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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, D.C.,

October 3, 2001,

I hereby appoint the Honorable Ray LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

Dr. James A. Scudder, Quentin Road Bible Baptist Church, Lake Zurich, Illinois, offered the following prayer:

Dear heavenly Father, because You are the Almighty Creator, the everlasting, omnipotent one, the one who loves more than we could ever imagine, we come before You right now to humbly seek Your face. I beseech You to watch over this great Congress of the United States of America as they make important decisions and endeavor to accomplish that which is best for our great Nation. We pray for the ongoing investigation for the attack on America. Oh, Lord, how we grieve at the atrocities that were performed within our borders.

Each of these men and women are facing decisions more significant, more extensive, and more intense than any decision they could have imagined just 3 weeks ago. We are a Nation indivisible, undivided. We thank You for our amazing heritage of freedom, and we acknowledge right now that all of our blessings come from You. We thank You for the great patriotism that is sweeping our land, and pray that we will continue to fight, acknowledging You as the source of all our strength.

I pray You will put Your umbrella of protection over each Member of Congress. Please give Your great assistance for the essential responsibilities that You have assigned to them. I pray for each person here, that they might know the peace that passeth all understanding. I ask You this in Your Son’s name, Jesus Christ. 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 Illinois (Mr. CRANE) come forward and lead the House in the Pledge of Allegiance?

Mr. CRANE led the Pledge of Allegiance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. The Chair announces that we will have 10-1 minutes on each side.

WELCOMING DR. JAMES SCUDDER, SENIOR PASTOR OF QUENTIN ROAD BIBLE BAPTIST CHURCH IN LAKE ZURICH, ILLINOIS

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

Mr. CRANE. Mr. Speaker, today it is my honor to welcome Dr. James Scudder as our guest chaplain. Dr. Scudder is a senior pastor of my church, the Quentin Road Bible Baptist Church, in Lake Zurich, Illinois.

In 1972, Dr. Scudder founded the Chicago Bible Church in a storefront. He migrated up to Chicago area from Kentucky. Well, actually, I do not know whether he went by way of Indiana en route, as Lincoln did, but he finally got to Illinois and he founded the church there. Then he expanded that church by moving out to Lake Zurich, Illinois. He has gone from a storefront church to a church that is 70,000 square feet. It is one of the biggest, or the biggest, in our area there. In addition to that, it has one of the largest congregations, in the thousands.

Dr. Scudder is the president also of Dayspring Bible College. He founded a school, grammar school, high school, and a college there. He is the host of the weekly TV broadcast, the Quentin Road Bible Hour, which is seen here on WGN–TV. He is the host of a radio program called Victory and Grace. In addition, Dr. Scudder is the author of several books.

He simultaneously is married to one of the most remarkable talents, Linda Scudder. She is an expert pianist, but she also leads the choir, and they have one of the largest choirs in the entire State of Illinois, and do remarkable performances every Sunday.

To show his additional talents, he has a son, one son named Jim, Jr., who is now also a pastor in his father’s footsteps. He does as stirring a job in the pulpit, almost, as his father does. He is challenging him already. So whenever Pastor Scudder is traveling on missionary work, and he does that around the world, his son, Pastor Jim, Jr., fills in for him.

There is someone else, Pastor Bob Vanden Bosch, that I would like to recognize, who also works in the Quentin Road Bible Baptist Church, but spends a lot of time down in our State Capitol of Springfield, Illinois, trying to convert the heathen in Springfield.
I would like to ask all of the Members to join me in welcoming my good friend and our pastor, Dr. Scudder, as our guest chaplain.

HONORING KRISTI HOUSE FOR WORK WITH VICTIMS OF SEXUAL ABUSE

(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, since the catastrophic events of September 11, Americans are learning to work through the trauma of terror and victimization. We have become stronger and more united, but we will never forget the malicious acts that were committed against us.

However, others live in terror every day. For example, many young victims of sexual abuse fear each and every day of their lives. They, too, may not know when or how the perpetrator may strike, but unlike the victims of September 11, these children’s own stories are often locked away in a family’s conspiracy to ignore, deny, avoid, and even to forget the sexual abuse.

Without appropriate intervention, child sexual abuse may lead to numerous behavioral and psychological disorders. In my South Florida district, Kristi House services these victims, and on Sunday, November 11, they will host a benefit dinner and auction at Norman’s Restaurant.

Kristi House works with law enforcement, medical, and legal agencies, to provide treatment unique to a family’s situation. Each year, almost 2,000 children are victimized by sexual abuse. I congratulate Kristi House for their comprehensive and protective services which it provides each and every day.

INTRODUCTION OF THE I LOVE NEW YORK TAX DEDUCTION ACT

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

Mrs. MALONEY of New York. Mr. Speaker, I am thankful that 109 of my colleagues came to New York to view the devastation at Ground Zero. But the severe impact on New York City’s economy is harder to see. Restaurants are closed, theaters are vacant, five Broadway shows have closed, and small businesses are suffering all over our State. Tourism is New York’s second largest industry, and we need to bring people back to New York State.

Along with my bipartisan colleague, the gentleman from New York (Mr. REYNOLDS), and over 60 of my colleagues, including Senators SCHUMER and CLINTON, we have introduced the I Love New York Tax Relief Act. For the next year, it would allow individuals to deduct up to $500, and families up to $1,000, for spending money in New York City’s restaurants, lodging, and entertainment outlets.

I urge my colleagues and the President to put our money where our heart is and give Americans another way to say, “I love New York.”

SALUTING SOUTH FLORIDA BLOOD BANK AND LOCAL CHAPTERS OF AMERICAN RED CROSS, AND URGING CONTINUING SUPPORT FOR THEIR EFFORTS

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

Mr. FOLEY. Mr. Speaker, I want to take a moment to salute several organizations in my community, one particularly, the South Florida Blood Bank, and the local chapters of the American Red Cross and United Way of Palm Beach County for their outstanding contributions during these difficult past 3 weeks.

Our communities came together to fight an evil, and we have won. In the case of the blood bank, a typical week yields about 500 pints. In the first week after the event, we were blessed with over 7,600 pints of life. United Way and Red Cross had record contributions to assist in the effort in Washington and New York. I applaud them. I thank them. Their generosity speaks volumes about the great patriots who live in our country, particularly those I am proud to call constituents in my communities.

But I also ask my communities to now rally around those same local charities as they endeavor to continue their efforts for local communities. We have been generous to New York and Washington. We cannot forget those struggling at home, those that need our help. These charities need to go forward, now more than ever, to assist our localities.

I thank them more than ever; I appreciate that they are there for us in the time of need. I salute them.

CONGRESS SHOULD REVIEW OUR FOREIGN POLICY AND BORDER PROBLEMS

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

Mr. TRAFICANT. Mr. Speaker, it is time to face the facts: we cannot secure our home with our doors unlocked. America’s borders are wide open, wide open.

The truth is, America remains vulnerable to terrorism. Yet some in this Congress still expect policemen to defeat these terrorists. Beam me up. Police departments deal with domestic crime, not invasions. Terrorism will not stop until Congress secures our borders and Palestinians have a homeland.

All America understands that commonsense approach, and Congress should objectively review our foreign policy and our border problems.

RECOGNIZING BRAVE HEROES IN THE THIRD CONGRESSIONAL DISTRICT OF TEXAS. MEMBERS OF THE COLLIN COUNTY COLLEGE FIRE ACADEMY, AND FIREFIGHTERS EVERYWHERE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I rise to recognize some brave heroes in the Third Congressional District of Texas. Last week, I visited the Collin County Fire Academy. There were about 100 firefighters there from all over the area: Plano, Richardson, Frisco, McKinney. Those guys are just great.

I went to visit them with the sole purpose of expressing my sincere appreciation for their dedication and efforts to protect the home front and for raising over $36,000 for the New York Fire Department September 11 Fund.

September 11 is going to forever live in the hearts and minds of not just Americans but every single person who values freedom, peace, and security. The firefighters and those in training in Collin County recognize that. They make our neighborhood safer and our lives better. I am just sorry we had to have this devastating tragedy to thrust this hero, selfless occupation into the spotlight.

Again, to all firefighters, please know that we appreciate all they are preparing to do or have done. I thank them, and God bless them all. God bless America.

URGING MEMBERS TO SUPPORT THE MILLER-MILLER AMENDMENT AND END AN OUTMODED, OUTDATED SUGAR PROGRAM

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

Mr. DAVIS of Illinois. In the farm bill, the sugar program is outmoded, outdated. It is costing us jobs. It is monopolistic. It boils right down to being corporate greed or welfare.

I know that proponents will say, But it helps farmers. Yes, I believe in helping family farms, but here is a program where 1 percent or just 17 farms collect 58 percent of the subsidy. If this is not a monopoly, then I do not know what is.

This is one reason why I support the Miller-Miller amendment. It does not eliminate the sugar program; but it does save jobs, protects the environment, and helps to keep manufacturing business at home.

Let us stop playing sugar daddy to a few monopolistic plantations. Support the Miller-Miller amendment.

AMERICA’S RESPONSE TO TERRORISM

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

Mr. PITTS. Mr. Speaker, this great and powerful Nation of ours is about to respond. We will respond mightily. We will respond, not just against the terrorists themselves, but against those who harbor and promote them.

The Talibān of Afghanistan is at the very top of our list. As we prepare to deal with them, we have to remember the civilians of that country. We must be careful to minimize the impact on the innocent people of Afghanistan.

Mr. Speaker, I am a veteran. I know that sometimes innocent people die in war, but in the case of Afghanistan, perhaps more than any other, we will be at war with the terrorist organizations and with the government that aids and abets them, not with the people.

The people of Afghanistan are victims too. They have been brutalized by the Talibān, by the communists who were there before them. They have not known peace for decades. Millions have starved and become refugees. We will need to help those surrounding countries that will be impacted by the refugees. We need to communicate to the people of Afghanistan, reach out to them and let them know that we are their friends, and that once Osama bin Laden and the Talibān are gone, and they will be gone, we want to be a friend and ally to the people of Afghanistan.

FARM SECURITY ACT OF 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 248

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Agriculture and International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text printed in part A of the report of the Committee on Rules accompanying the resolution, modified by the amendment printed in part B of the report. The rules waive all points of order against the amendment in the nature of a substitute and provides that it be considered as read. The rule further provides that in lieu of the amendments recommended by the chairman of the Committee on Agriculture and International Relations now printed in the bill, it shall be in order to consider, as an original bill for the purpose of amendment under the 5-minute rule, an amendment in the nature of a substitute consisting of the text printed in part A of the Committee on Rules report accompanying the resolution, modified by the amendment printed in part B of the report. The rules waive all points of order against the amendment in the nature of a substitute and provides that it be considered as read.

The rule further makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD before October 3, 2001, and provides that each such amendment may be offered only by the amendment who caused it to be printed or his designee and shall be considered as read. Finally, the rules provide the Committee on Agriculture by a voice vote as being authorized to designate for that purpose in clause 8 of rule XVIII, the chairman and ranking minority member of the Committee on Agriculture as being authorized to report the modified open rule requested by the chairman and ranking minority member of the Committee on Agriculture.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill, H.R. 2646.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time. This is a modified open rule. It will allow for the consideration of a bill which funds farm price supports, conservation programs, domestic nutrition programs, and international food assistance over the next 10 years.

As my colleague from Washington has described, this rule provides 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. This allows germane amendments under the 5-minute rule. This is the normal amending process in the House. The rule requires that all amendments must be preprinted in the CONGRESSIONAL RECORD. Mr. Speaker, there is no human need more basic than food. Ensuring that our citizens are fed is one of the most important duties of government. This bill fulfills the basic framework of government support for farmers to maintain a stable, affordable source of good food for Americans. The bill also...
Today, there are 15 million of those U.S. AID “handshake” bags being used over and over, delivering the message that the American people are not the enemies of the Korean people, and that message is getting through, and the evidence is the way ordinary North Korean children have changed from despair into smiles at the sight of Americans.

As my colleagues know, I think we should send a lot more food aid to the more than 800 million hungry people in our world, and we should do it because it saves their lives and gives them hope. We should do it because it helps our farmers and instills goodwill towards Americans, and we should do it because we should not let terrible conditions fester and become even bigger problems for our Nation.

The food assistance programs authorized by this bill give the President additional tools in showing our allies, new and old, that we are in a war with terrorists and not the downtrodden people of any Nation. Mr. Speaker, I support the rule on the underlying bill. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding the time, and I just want to rise in support of this rule.

I want to thank the gentleman from Washington (Mr. HASTINGS), the gentleman from Ohio (Mr. HALL) and others on the Committee on Rules for a quick process there in granting this rule.

As mentioned, the rule does provide the opportunity for Members to offer a wide variety of amendments. Some of those, I am sure, will create some extended deliberation. That is, however, part of the process.

It is a good rule, and I particularly would again like to thank the Committee on Rules for granting the rule that was requested by the gentleman from Texas (Mr. STENHOLM) and myself.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

As I mentioned, I am pleased that the Committee on Agriculture and the Committee on International Relations have included provisions in the bill that would establish what is commonly known as the Global School Lunch program. This exports some of the best we have to offer, American food and compassion to developing countries around the world. The global food for education initiative currently operated by the Agriculture Department has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

It was inspired by former Senators George McGovern and Bob Dole. It was announced at the G-8 summit last July, and it has broad bipartisan support. Authorization of the program is now part of the farm bill due to the exemplary work of the gentleman from Texas (Chairman COMBEST), the gentleman from Illinois (Chairman HYDE) and the ranking minority member, the gentleman from California (Mr. LANTOS).

I am concerned, however, that there is a possible gap between the end of the existing funding and the beginning of the appropriated funding for this bill.

Mr. Speaker, I will yield to the gentleman from Texas (Mr. COMBEST) for the purpose of engaging in a colloquy about this concern. I have also a note that the gentleman from Illinois (Mr. HYDE) wanted to be here to discuss this matter but is chairing an important hearing on terrorism.

So, is it the hope and understanding of the gentleman from Texas (Mr. COMBEST) that the Secretary of Agriculture will continue to operate the Global Food for Education Initiative until such time as the International Food for Education and Child Nutrition Program is established?

Mr. COMBEST. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding and want to assure him that I support the provision in the McGovern-Dole International Food for Education Program contained in the bill in hopes that they and the rest of the bill will be enacted quickly.

I want to state that I agree that the current program should be continued so that there will not be a gap in the important work that is being done. The gentleman from Texas (Mr. HALL) and I have requested that the General Accounting Office review the current Global Food for Education Initiative, and we expect that review to be completed in a few months. I will be happy to work with the gentleman to examine that GAO recommendation.

Mr. HALL of Ohio. Reclaiming my time, Mr. Speaker, I appreciate the gentleman’s assurances and hope we can work together to ensure that the recommendations to improve the program will be implemented.

Mr. COMBEST. If the gentleman will continue to yield, I would certainly agree and again look forward to receiving the report. While I am concerned that this and any other new program achieve the goal set out for it, I share the concern of my colleague from Ohio that the needs of hungry children should not go unmet, especially when the United States is able to produce food in such abundance. I appreciate his intent and look forward to working with him on this program in the future.

Mr. HALL of Ohio. Reclaiming my time once again, I want to thank the
chairman, and I also want to thank my colleagues, the gentleman from Massachusetts (Mr. McGovern) and the gentlewoman from Missouri (Mrs. Emerson), who have worked tirelessly on this important piece of legislation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Dreier), the distinguished chairman of the Committee on Rules.

(Mr. Dreier asked and was given permission to revise and extend his remarks.)

Mr. Dreier. Mr. Speaker, I thank my friend for yielding me this time.

At the beginning of this Congress, the Speaker of the House, the gentleman from Illinois (Mr. Hastert), said that he believed it important that on most of the issues we face we proceed under what he calls regular order, and that is exactly what we are doing here. We have basically an open amendment process. We call this a modified open rule because it offers just the slightest restriction, but under the structure that we have, every germane amendment will be able to be made on order.

I know there are some who have demonstrated some concern about that as we proceed with consideration of this farm bill. I believe that it is the most appropriate way for us to proceed. So I hope that my colleagues, Mr. Speaker, will join in strong support of this rule, and allow us to move ahead with consideration of a wide range of issues.

I know there are some issues that they would like to have brought up under this structure that we have, but that would have required a waiver. We chose not to provide that waiver, and there are other mechanisms that exist in the institution where they will be able to address those concerns.

So I would like to say that I urge my colleagues to support this rule, and I thank the gentleman from Washington (Mr. Hastings) and the gentleman from Ohio (Mr. Hall) for their management of this effort. We are going to proceed in a bipartisan way with what will be a free and rigorous and interesting open debate on consideration of the farm bill.

Mr. Hall of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. Stenholm), who is the ranking member on the Committee on Agriculture.

Mr. Stenholm. Mr. Speaker, I rise to support the rule. As we have heard, it is essentially a fair rule; and I am grateful to my chairman, the gentleman from Texas (Mr. Combest), for requesting such a fair rule. I hope the entire House appreciates the fairness of the action of the request of the House Committee on Agriculture.

This rule is, in my view, a true reflection of full and fair debate that always used to take place when farm bills came to the floor. While I feel the committee bill is a reasonable consensus product, I know that many of my colleagues believe it can be improved, and I very much look forward to the discussion before us. As a participant in its development, I believe that our debate will provide an excellent opportunity for all of our colleagues and for the American people to see the wisdom of the committee’s work.

The open rule has become too rare in the debates we have had in the House in recent years. In the Committee on Agriculture we never considered having this bill considered in a restrictive way. Anticipating an open rule, we knew that every decision we made, every effort designed to set budgetary priorities would be subject to the full scrutiny of every Member of the House.

I fully believe that the open floor debate helped us to build a better bill in committee. As a result, it has the support of a broad diversity of interests. And while the support of the agricultural community for this bill is gratifying, the validation of others is particularly rewarding.

Mr. Speaker, I very much look forward to our debate in the days ahead and I hope my colleagues will observe the benefits from this open and fair process.

Mr. Speaker, the bill reforms our foreign programs in a way that will prevent any future need for the billions of dollars of emergency spending that we have added in recent years. It greatly expands USDA’s conservation programs. And I reemphasize that: an 80 percent increase in the conservation title in this bill. It reauthorizes and improves the food stamp program, and I am gratified for the support of the hunger community on this bill and in recognizing the significance of those things that we did in the nutrition component. It renews our emphasis on the importance of rural economic development, particularly water and agricultural research.

Mr. Speaker, this bill has been scored by the Congressional Budget Office, and its 10-year score is within the limit of the funds that were included within the budget resolution. Congress anticipated the need for farm policy reform; and its passage, I believe, is the fiscally responsible thing to do.

Though I strongly support this rule, Mr. Speaker, I wish to make moment that there has become apparent since budgetary reestimates were released in August. Although it is the case that the budget anticipated farm bill spending, the availability of the funds was made on a contingent basis. For fiscal years 2003 through 2011, funds are made available to provide for a bill from the Committee on Agriculture if the chairman of the Committee on the Budget makes an allocation subject to the condition.

Mr. Speaker, as my colleagues are well aware, and as my friend from South Carolina has clearly shown to all Members, only in the most technical sense can it be regarded that the conditions of the money in this bill has been met. Our budget is busted. The budget resolution is irrelevant. There is no on budget surplus. We are into Social Security and Medicare spending and we are on our way to a unified budget deficit, and, if all as the result of the economy and of September 11.

Mr. Speaker, as we debate this rule and the farm bill, we must be thinking clearly about our budget responsibilities. Passage of this bill was anticipated by the budget and is crucial to forestall the need for Congress to continually provide emergency spending. However, we cannot avoid the fact that its passage and all other spending bills we have recently considered and that will remain to be considered take us deeper and deeper into Social Security revenue.

Mr. Speaker, I take this opportunity to appeal to my colleagues in a bipartisan way and to the administration to develop a new budget. We need to unite on our budget now so that we do not make those mistakes today, with all good intentions, that will not be in the best interest of our country 10 years from today.

I believe the bill that we bring before the House today from the agriculture perspective meets all of that criteria; and therefore, I urge the support of the rule and of the bill. Mr. Hall of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Hinchey).

Mr. Hinchey. Mr. Speaker, I want to express my appreciation to the chairman for his bill. I think the bill contains many good things. It reauthorizes the food stamp program, does a very good job on that; it provides a great deal of authorization for appropriate research in agriculture; and does many good things for the agricultural community across the country.

However, there is one glaring problem with the underlying bill and the rule that governs it. The underlying bill makes inadequate provision for the dairy industry. Specifically, the inadequate provision is the failure of the bill to recognize the need for dairy compacts, particularly in the East and Southeastern parts of the United States where the dairy industry is in great peril. This rule does not provide the opportunity for a debate on that issue, and that is a major defect in the rule.

Over and over again the leadership of this House has promised that there would be an opportunity to debate the issue of dairy compacts and that there would be an opportunity to have a vote one way or the other and allow the House to express its will on this issue of dairy compacts. This bill fails to do that and the rule fails to make in order such an amendment. This is a glaring deficiency.

What are we concerned about that? We are concerned about it because the dairy industry is an important part of the agricultural industry in this country. Without the opportunity for dairy
I also want to thank the 51 members of the House Committee on Agriculture for the dedication and the time that they have put in to see us arrive today at the product that we bring before the House. This has been long in coming. And I would be remiss if I did not thank the majority staff, for the tireless, long, long nights, weeks, and months, that they have put into this process. We could not have done it without them.

Mr. Chairman, it is with great pride that I rise to bring before the House H.R. 2646, the Farm Security Act of 2001. This bill represents comprehensive agricultural legislation, making important changes to all segments of our food and agricultural industries; and I look forward to today’s debate. Most importantly, this bill provides a proactive market-oriented solution to the critical economic crisis that has been eroding the financial footing of our Nation’s farmers and rural communities. Just as importantly, this bill will prevent the need for further ad hoc assistance for farmers in the future.

Mr. Chairman, our committee has taken a very deliberate approach to crafting this farm bill. Over the past 2 years, the House Committee on Agriculture held some 47 hearings. We have traveled to all regions of the country to listen to the needs and the concerns of hardworking people from the farming and agribusiness community. We have worked with farmers and interest groups to provide very specific ideas on how they would improve current agricultural policy, which we received from them. And, most importantly, we have worked in a very open and bipartisan way to craft this bill, which enjoys an unprecedented level of support among the agricultural sector.

Mr. Chairman, the key factor of this bill’s success in committee, and its outcome today, is balance. In addition to addressing just about every issue under the jurisdiction of the Committee on Agriculture, H.R. 2646 represents a bipartisan balance between several important issues, including: a safety net for America’s farmers; unmet soil and water conservation needs; foreign trade and promotion program requirements; agricultural credit programs for America’s farmers, ranchers and rural areas; important agricultural research initiatives; rural development programs that affect thousands of rural communities across the country; and the list goes on and on.

I mention these points to make the point that there is not a single program or issue addressed by this farm bill that could not be further improved with additional resources. However, as I stated, the bill represents balance and it represents a bipartisan bill that could not be further improved with additional resources.

H.R. 2646 also represents a fiscally responsible approach to providing the assistance farmers need. The $73.5 billion in additional spending in H.R. 2646 was fully contemplated by the budget resolution. The average $12 billion per year that would be spent on commodity support in this bill pales in comparison to the average $23.3 billion that has been spent over the last 4 years.

H.R. 2646 will provide our Nation’s farmers with the footing they need to compete in the world marketplace. It is fully consistent with our obligations under the Uruguay Round Agreement on Agriculture as enforced by the WTO. In fact, there is a specific provision in this bill which authorizes the Secretary of Agriculture to make adjustments in expenditure levels in order to ensure compliance with our trade treaty obligations. Therefore, it is not only consistent, but complementary, to a proactive trade policy that will seek to level the international playing field and open new markets to our products for the future.

H.R. 2646 also has an unprecedented level of support among the agricultural community. The bill is supported by virtually all farm groups, agribusiness and industry groups, many conservatists, agribusiness, private food aid organizations, and many others.

The economic crisis that farmers have been facing since 1998 is not of their own making. Rather, it is a result of large macroeconomic factors like increased supply resulting from favorable world-wide weather trends, tightening demand resulting from slow economic growth rates, and a strong U.S. dollar pushing our products out of competition and driving prices down on the world market. While the last 2 years farmers have been further squeezed by high energy prices which have dramatically increased their input costs.

All of these are just reasons why Congress has acted to provide relief in the last 4 years; but more importantly, these are reasons why we need to act today and establish a more stable farmer policy for the future.

H.R. 2646 establishes the critical safety nets that our farmers and the entire agricultural sector need to help this important sector of our economy grow and prosper and create wealth for the future.
his leadership in bringing us to this point today, and to our colleagues on both sides of the aisle who have participated in the many hours, weeks, months, yes, years in the development of this recommendation that we bring to the floor today.

The policies contained in the bill represent a truly balanced consensus approach that reflects well on the process by which it was designed. While there remain amendments to be considered, the product before us represents a true bipartisan consensus, and I believe it has broad support.

Mr. Chairman, the process for developing this bill and the one in which the 1996 farm bill was enacted are as different as night and day. The 1996 farm bill was a philosophical document written by the House leadership. There were no public hearings, no process for the Committee on Agriculture to build a consensus, and little optimism for its success. Many of us who voted for it did so with no other choice.

Mr. Chairman, I will not be the first to say that the 1996 farm bill is an utter failure. It has failed our farmers. This failure was so obvious to everyone involved that Congress and the White House rejected the process used in this bill. Congress included sufficient funds in this year’s budget to ensure the Committee on Agriculture had the tools to develop a farm policy that would help farmers when crop revenues are low, while extending and improving the food stamp program. In addition, it renews the emphasis on the importance of rural development and agricultural research.

In closing, I would like to once again thank the gentleman from Oklahoma (Mr. LUCAS) for his leadership and skill in developing a consensus product. I urge all of my colleagues to vote for passage of this bill.

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

Mr. COMBEST. Mr. Chairman, I yield 7 minutes to the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Subcommittee on Conservation, Credit, Rural Development, and Research.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise to urge my colleagues to support H.R. 2646 and its conservation title, which might accurately be described by some as the greenest ever.

American farmers and ranchers are the original conservationists of this country. We are the people the farm bill is intended to help. The farm bill’s purpose is to assist in providing us with the tools to competitively produce food and fiber in the domestic and world markets.

Furthermore, Congress encourages producers to do so in an environmentally friendly manner, while continuing to provide the American consumer with the cheapest, safest and most reliable food supply in the history of the world.

After listening to 23 organizations and coalitions testify at three subcommittee hearings, and in an effort to accommodate the needs of the producer and the environment, I laid out a plan in my own conservation bill to help producers and the American public by providing sound assistance to U.S. producers.

It is critical to remember that not just one but many times numerous groups asked us to place more money than we were able to place in every single existing program, and in most new programs.

On the committee, both Republican and Democrat members worked to find a balanced bill so we would not have to come back to Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager’s amendment to H.R. 2646.

The centerpiece of the conservation title is the Environmental Quality Incentives Program, EQIP. Farmers and ranchers have to deal with a number of State and Federal environmental rules, regulations and restrictions that just want to be even better stewards of the land.

The current program is only $200 million per year. The livestock coalition testified before us this year and asked for $2.5 billion per year. H.R. 2646 provides producers with $1.285 billion per year. Fifty percent of the money goes to crop producers and 50 percent goes to livestock producers. This is the exact requirement under current laws. This is the most important working-lands provision in the conservation title. Crop and fruit and vegetable producers are counting on this program to help them with all types of conservation efforts.

The problem with EQIP was that there were priority areas that determined how and where the money was to be spent. If a producer was in an area that fell outside these priority areas, chances were slim to none that they could receive Federal help. By reforming priority areas and allowing each contract to be considered on its own merit, I believe that we provided more money in the program that will help Congress assist all producers fairly and not penalize someone simply because their county is outside the designated priority area.

The bill provides a maximum of $50,000 per year or $200,000 total over 10 years for all EQIP contracts. Some people want to ignore large animal feeding operations and contract growers. It would be hard for Congress to reach a desired environmental result if we ignore the needs of some producers. The payment limitation will ensure that the money is spread out fairly between small, medium, and large operations.

Mr. COMBEST, Mr. Chairman, I yield 7 minutes to the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Committee on Agriculture.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise to urge my colleagues to support H.R. 2646 and its conservation title, which might accurately be described by some as the greenest ever.

American farmers and ranchers are the original conservationists of this country. We are the people the farm bill is intended to help. The farm bill’s purpose is to assist in providing us with the tools to competitively produce food and fiber in the domestic and world markets.

Furthermore, Congress encourages producers to do so in an environmentally friendly manner, while continuing to provide the American consumer with the cheapest, safest and most reliable food supply in the history of the world.

After listening to 23 organizations and coalitions testify at three subcommittee hearings, and in an effort to accommodate the needs of the producer and the environment, I laid out a plan in my own conservation bill to help producers and the American public by providing sound assistance to U.S. producers.

It is critical to remember that not just one but many times numerous groups asked us to place more money than we were able to place in every single existing program, and in most new programs.

On the committee, both Republican and Democrat members worked to find a balanced bill so we would not have to come back to Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager’s amendment to H.R. 2646.

The centerpiece of the conservation title is the Environmental Quality Incentives Program, EQIP. Farmers and ranchers have to deal with a number of State and Federal environmental rules, regulations and restrictions that just want to be even better stewards of the land.

The current program is only $200 million per year. The livestock coalition testified before us this year and asked for $2.5 billion per year. H.R. 2646 provides producers with $1.285 billion per year. Fifty percent of the money goes to crop producers and 50 percent goes to livestock producers. This is the exact requirement under current laws. This is the most important working-lands provision in the conservation title. Crop and fruit and vegetable producers are counting on this program to help them with all types of conservation efforts.

The problem with EQIP was that there were priority areas that determined how and where the money was to be spent. If a producer was in an area that fell outside these priority areas, chances were slim to none that they could receive Federal help. By reforming priority areas and allowing each contract to be considered on its own merit, I believe that we provided more money in the program that will help Congress assist all producers fairly and not penalize someone simply because their county is outside the designated priority area.

The bill provides a maximum of $50,000 per year or $200,000 total over 10 years for all EQIP contracts. Some people want to ignore large animal feeding operations and contract growers. It would be hard for Congress to reach a desired environmental result if we ignore the needs of some producers. The payment limitation will ensure that the money is spread out fairly between small, medium, and large operations.

As a matter of fact, the bill even changes EQIP contracts so that smaller producers can sign up for 1- to 10-
year contracts. Plus, they can be paid in the same year in which they sign the contract. Both of these provisions were taken from my bill to help small producers.

The Conservation Reserve Program is another important program. Many groups wanted to leave the program at its current level, while others wanted CRP to increase to as high as $45 million acres. H.R. 2646 reaches a balance by allowing nearly 40 million acres, or 39.2 million acres, to be exact, into the CRP.

The new Grasslands Reserve Program is another important program based on my idea that allows 10- and 15- and 20-year contracts. To build consensus, the full committee added 30-year contracts and permanent easements. The committee supports permanent easements in GRP because it is a true working-lands program, not a land-idling program.

The Committee on Agriculture followed the subcommittee’s recommendation by including 150,000 acres per year of Wetland Reserve Program acreage, a million and a half over the life of the bill. And yes, it comes with a price tag of $3.14 billion. This is the largest increase of all of the major programs.

H.R. 2646 provides $500 million worth of funding for the Farmland Protection Program. Since States must match 50 percent of its funding, it is hard to gauge whether all of this money will be used or simply go to the wealthiest States.

Finally, H.R. 2646 provides $25 million per year, ramping up to $50 million per year for the wildlife habitat incentives program.

My goal as the Conservation Subcommittee chairman was to secure a larger increase for the conservation title in the new farm bill. I am thrilled to stand here today and say that we have an increase of over 75 percent in funding. The current programs spend $2.1 billion per year. H.R. 2646 will spend nearly $3.7 billion per year. Yes, $37 billion on conservation over the life of this farm bill.

I heard concerns regarding some of the changes the committee made in its draft. I worked diligently to address the problems presented to me by various groups and am happy to say that we found compromise on issues such as swampland regulation and many wildlife concerns. Furthermore, I worked with the National Association of Conservation Districts and the committee to reach an agreement on technical assistance funding.

In closing, I would simply say that this is a zero sum game. If we need more money in one area of the farm bill, it must come out of one of the other areas or programs or our own conservation efforts.

Simply, Mr. Chairman, support America’s producers and the environment. Support H.R. 2646.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I want to thank the ranking member and the chairman of this committee for the courtesy that has been done in crafting a bill that is the best that we could do given the resources at our disposal. I think they did an outstanding job, along with the staff of the Committee on Agriculture on both sides of the aisle. I want to compliment them for the job that they have done.

Mr. Chairman, the United States of America has the safest, most abundant, and the most reasonably priced food and fiber supply of any nation in the world by more than half. We do twice as well in that respect as any other nation. It is something that we can be very proud of and very thankful for.

The Farm Security Act of 2001 ensures our ability to continue to produce our own supply of affordable food and fiber. Without this assistance to our farmers, production will move offshore, forcing the U.S. to depend on other nations for our food. This is, in fact, a national security issue.

I believe, I have not read it, but I am told that there is a story in a national newspaper today criticizing and ridiculing that idea. If we did not have the ability to feed ourselves and produce that food right here in this country, our national security would indeed be threatened.

Nearly every farm organization in the country has endorsed this bill. They support the 80 percent increase in conservation spending to help make this the greenest farm bill ever and to make sure that we continue the effort to improve our water quality, to improve the protection of our soil, and the air quality in this country.

This will benefit not only rural, but urban communities. It helps support the rural economy and breaks even. I have heard many stories in the last few months, and particularly in the last couple of weeks, and especially just yesterday about this bill just goes to subsidize farmers and inefficient producers and so-called fat cat producers.

Mr. Chairman, today no one is getting into farming. If this is such a lucrative idea and a lucrative piece of legislation, we would have people lined up trying to get in this business instead of lined up trying to get out of it. If we do not pass this farm bill this week, or before this Congress goes out of session, I can tell you that it is a threat to our ability to continue to feed and clothe this country in an efficient manner.

I want to be on record as being supportive of this bill, the way it came out of committee with almost no amendments. There will be an amendment offered that will attempt to totally reorganize food policy in this country, and I think we should oppose it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), one of the most active members of our committee.

Mr. OSBORNE. Mr. Chairman, I rose to support H.R. 2646, and really for several reasons.

One is I have been very impressed by the process that the committee has gone through. This bill has been in development for 2 years. We have had hearings all across the country. We have had roughly 50 different agricultural and environmental groups appear before the committee. They have been asked to write the bill as they see it ought to be. So everyone has had input. It has not been done in a closet. I think that the chairman has been very fair in the way he has approached it.

This is the only comprehensive farm bill in existence in this Congress or in the Senate as well. It deals with commodities; it increases conservation expenditures; it increases rural development; research increased by 20 percent; and trade.

There are some questions that have been raised already, and I am sure they will come up later today. Why do we have payments to wealthy farmers? In Nebraska, there are 54,000 farms. We have roughly nine entities that receive payments of $500,000 or more. These are multiple entities where you have aunts and uncles and brothers and sisters, so they are not single farmers that are receiving this amount of money.

This is one out of every 6,000 farms that receives a large payment. The return on equity is roughly 4 percent. If you take the government subsidies out of farming, you go to a zero balance, or below zero. Three-fourths of our farms in the United States currently rely on off-the-farm income for survival, so we have both the farmer and the farm wife often working off the farm, and most of the time the farm wife, too.

Some have said this is too expensive. Over the last 4 years, we have averaged $22 billion a year on agriculture. Much of this has been for emergency payments. In this bill, we will average $17 billion a year which is $5 billion less, and obviously we have to get away from emergency payments.

Some have also said why do we provide a safety net for agriculture? In Europe, the average subsidy is $300 to $500 per acre because they have experienced what hunger is like at one point or another. In South America land is $300. The idea is that in the United States our subsidies are very reasonable, very cheap. I certainly urge the passage of this bill.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman’s courtesy in giving me some time to speak on this issue.

One might ask why a city boy is on the floor dealing with the agriculture bill. Well, in my State, agriculture is the third largest industry. In my district, agriculture has a prominent role.
I deeply care about food and water supply and its price. And, most important, we are all influenced by agriculture, whether we live in cities, suburban or rural areas, particularly as it impacts the environment, as it deals with water, land use and the environment for us, and everyone.

This is an opportunity for us to enter into a new era for agriculture. The United States launched an unprecedented effort during the Depression to rescue our agricultural system, and it was a dramatic success. It has developed the most productive agricultural system in the world. There is no disputing that. But the problem is that today, two-thirds of a century later, the system drives decisions to the detriment of many farmers, consumers, our trade position and the environment.

The 1996 Freedom to Farm Act was a bad solution to this admitted problem. We can, in fact, do better. I have met with peanut producers and I have met people on the board of agriculture in my State. This summer they were unanimous in saying that the system misses the mark for them. They do not benefit; the wrong people, by and large, do; they watch their paying classmate go hungry; and as the Bush administration that this current bill does not hit the mark.

I look forward to a series of amendments that we are going to be discussing in the course of the day, particularly the Boeherl-Kind-Dingell-Gilchrest bill that will help us make a modest shift towards giving what we have now, but they do need assistance. I agree with the Bush administration that this current bill does not hit the mark.

I commend the leadership of the committee for the consensus effort that they have attempted, reaching out. I commend the leadership of the committee for the consensus effort that they have attempted, reaching out. Mr. COMBEST. Mr. Chairman, I yield 3½ minutes to the gentleman from Alabama (Mr. EVERETT), chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs.

Mr. EVERETT. Mr. Chairman, I thank the chairman and the ranking member for the outstanding work they have done to produce this bill that had to compete with a lot of interests.

The U.S. farm economy is experiencing its worst cyclical depressed prices since the Great Depression, while the costs for major inputs such as fuel and fertilizer are up 25 percent over the last 4 years. This has resulted in a growing crisis in much of rural America. Without the disaster assistance funds Congress has provided to farmers over the last 4 years, thousands of U.S. farmers and ranchers would have no doubt been put out of business and seen their livelihoods disappear.

Our producers are some of the most efficient in the world, but they cannot possibly be expected to compete with their counterparts in other countries when those countries subsidize their producers at levels much higher than our own and the tariffs on agricultural products in other countries are five times higher than those in the U.S.

These represent only a few of the obstacles faced by the Committee on Agriculture when trying to develop farm bill legislation that would ensure America’s producers are given a proper safety net to allow them to remain viable, while providing us with the safest, most affordable food and fiber supply in the world. The food and fiber supply constitutes a major component of our national defense, our national security, and I do not really care who says otherwise. If you cannot feed your people, then you cannot defend your people. It is that simple.

This bill, H.R. 2646, the Farm Security Act of 2001, is the product of almost 2 years of work by the Committee on Agriculture which held dozens of hearings throughout the country and here in Washington with most major farm and commodity groups represented. Over 300 witnesses presented testimony before the committee.

In the subcommittee I chair on specialty crops and foreign agriculture programs, we saw the necessity to reform the peanut program to ensure the survival of the peanut industry in this country and restore profitability for our peanut producers. We heard from peanut producers, shellers, manufacturers alike, and critics of the program, and they all realized it was time for a new program that moved away from the current program, increasing imports would continue to put pressure on domestic production to the point where the Secretary would be required to lower quotas, which would decrease the safety net for producers.

We looked to make the peanut program much like other program crops, combining proven and successful components like the marketing loan and fixed-decoupled payments with the new counter-cyclical component, while also providing quota compensation payment to quota holders. This new program will provide producers with a safety net that gives some price protection while also helping to regain our market share that has been lost to imports. It will also save the industry in this country.

The bill not only contains a strong program for peanut producers, but strong and balanced programs for all crops, in addition to an improved conservation title, which does indeed receive an 80 percent increase in funding. The bill also contains strong and improved trade, nutrition, credit, research, rural development, and forestry titles.

The Committee on Agriculture had a lot of hard decisions to make among many competing interests. What we have developed is a very balanced bill which works to address the needs that are facing rural America today.

Again, I say I appreciate the strong leadership that we received from our full committee chairman and from our ranking member.

Mr. STENHOLM. Mr. Chairman, I yield 6 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I think the gentleman from Texas for yielding me time.

Mr. Chairman, I was reminded when we called our farm bill the Farm Security Act of 2001, which I think is appropriate, I remember Chairman Kika de la Garza, when I first came to Congress, gave this analogy of what it meant to secure the Nation by making this analogous story about going into the bowels of a submarine and how the submarine had secured the safety of our country. They wanted to know what was the magic of the submarine being able to sustain so long. They said, as long as the food lasted. I am reminded that a Nation that cannot feed itself, indeed, cannot secure its food, cannot secure its population.

In his book The Third Freedom, former Senator McGovern and the 1972 nominee for President candidate was George McGovern. He reflects on the shame he felt watching a 1968 CBS documentary, Hunger in the USA.

Senator McGovern remembers a young hungry boy silently watching as his classmate ate his lunch. When the reporter asked the boy what he was thinking as he stood and watched his classmate eat, the boy replied, “I am ashamed, because I ain’t got no money.”

Senator McGovern writes that he was ashamed. He, the powerful Senator who was in authority to do much, he was ashamed. He said, “I felt ashamed, because I had not known more about hunger in my own land. I was ashamed that a Federal program, that I was supposed to know about and allowed, permitted youngsters to go hungry; and as they watched their paying classmate eat before their eyes they felt ashamed that they had not known more about hunger in their own land.”

Well, I rise today to tell my colleagues that while the problem of hunger, both in the United States and
abroad, continues to plague us, this bill takes significant steps to alleviate and to mitigate the suffering of millions, millions, of people. I hope no one feels ashamed that they have voted for this, but feel empowered as human beings that we have the power to do good.

I want to thank the Chair and the ranking member of the committee for working to ensure that this farm bill, like past farm bills, includes a nutritional title. Once again we can see the powerful connection between our agricultural producers and working families who struggle to put food on the table.

We also can see the connection between a large segment of this Congress, who have no farmers in their area, in fact, the vast majority of our Members have no farmers in their area, but they do have hungry people in their area, and this farm bill makes the connection between those who are struggling to put food on their table and the providers who produce the food for them to eat.

H.R. 2646 makes several significant changes to the food stamp program. In fact, this bill provides one of the most significant and sensible investments in the program, a comprehensive effort that will help people transcend partisan divide. This effort is bipartisan and supported by nutritional groups throughout the nation, as well as support from state administrators alike. As in the past, we can see today that hungry people transcend partisan divide. There is not a Republican nor a Democratic view on this.

I am especially happy to know that this bill provides transitional benefits to families leaving welfare for work, thus supporting the aims of welfare reform and ensuring that we support those families who make a good faith effort even to enter the workplace. The bill updates the standard and the deduction and simplifies the operation of the program, much to the delight of those who administer the program.

All in all, while the nutrition title does not by any means include everything that some of us, including myself, would have wanted, it is a good compromise, a sensible compromise, a bipartisan compromise, and, most importantly, a compromise that will benefit millions of Americans who live under the specter of hunger day in and day out.

I would like to also briefly note that this bill includes another important authorization in combination with the Committee on International Relations, the Global Food for Education Initiative, also known as the McGovern-Dole International School Lunch Program. This important program exports to developing countries what we have already learned here, that good nutrition is a foundation of learning. This provides millions and millions of young children in developing countries, whether it be in India, Africa, or China, to have the opportunity of having nutrition be a part of their learning experience. I look forward to continued work to see the implementation of this important program.

Once again, I would like to thank the chairman and ranking members for their effort, and the committee. They have been fair and they have worked hard to ensure that this farm bill does not leave behind millions of Americans and also have offered the opportunity that both our commodities and our compassion will be seen in foreign countries.

I urge my colleagues, those who support hungry and working families, to also support the Farm Security Act of 2001.

Mr. COMBEST. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. CHAMBILSS), the chairman of the Subcommittee on General Farm Commodities and Risk Management.

Mr. CHAMBLISS. Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001.

The Farm Security Act is the result of the undying passion of the gentleman from Texas (Chairman COMBEST) for the betterment of American agriculture. The comprehensive bipartisan process that was participated in by my good friend the gentleman from Georgia, is the result of the committee on Agriculture members the opportunity to listen to producers all across the country. The open door process gave us the ability to craft a balanced bill that is good for all.

The Farm Security Act is a culmination of 2 years work. The House Committee on Agriculture has held 47 field hearings and one forum between March of 2000 and July of 2001 in preparation for this farm bill.

In the full committee, field hearings held across the committee this year, and the hearings held by the Subcommittee on General Farm Commodities and Risk Management this year, producers expressed to us their desires to make the industry more competitive and to work with the government to also establish a safety net. The commodity title of H.R. 2646 does just that. It preserves the planting flexibility from the current law; it provides a safety net for commodity prices; it significantly reforms the peanut program and puts it on par with traditional commodity programs.

The safety net provided in the bill is a more responsible way of providing assistance to producers. Rather than sending assistance to the farm country, which we have done over the last several years because it has been absolutely needed, a counter-cyclical mechanism will provide economic assistance when triggered.

The commodity title is a plan that is ideal, not only for Texas, not only for Georgia, but good for the whole country. And in the words of Dean Gale Buchanan of the College of Agriculture at the University of Georgia, "It is important to realize that while farmers are directly affected, the value and importance of agriculture ultimately touches every single American." Over 80 national and regional producer, processor, banking, and environmental groups have voiced their support for the Farm Security Act.

Some groups which are unfamiliar with agriculture and farming, will try to make you believe that big farms are bad farms, that these big farms are corporate farms rather than family farms. Well, I want to give you an actual example of what is sometimes referred to by the opponents of agriculture of a corporate farm that is actually a family farm.

This is a farm that exists in the State of Alabama. I have titled it the Walker Farm. There are three brothers who are the primary farmers in this operation. This operation this year tills 7,000 acres, and it is comprised of these three brothers and their children, a total of seven individuals who are actually engaged in farming under the FSA regulations. Each one of those thus is responsible basically for a 1,000-acre operation, but this in and of itself is looked to as a corporate farm.

What we have here is we have Mike Walker, who is the primary operator of the farm. His wife, Michelle, is actively engaged in the operation because she keeps all the books and has for her whole life. His other brother, who is the key part of the farming operation, is actually one of the guys who drives a tractor on a regular basis; and, again, his wife Jill participates in the bookkeeping and management operations of the farm. They have another brother, Paul, who is an active participant. Then each of them have children and wives of those children that are actively engaged in farming.

This particular operation this year had 7,000 tillable acres, and they grew peanuts, cotton, hay, and corn. These individuals participated in the crop insurance program, which was of benefit to the local community, provided funds in the local economy through the industry and helped with all types of conservation practices, like no till farming, like terracing their land. They are good stewards of the land.

They also participate in the Boll Weevil Eradication Program, which is a program that is creative and innovative that the government put in place several years ago, that has allowed cotton farmers all across the country to eradicate the boll weevil, which has been a significant problem for years.

At the same time, these farmers have challenges. They have challenges that the ordinary businessman does not have, challenges like drought. For the last several years in our part of the country, we have had significant drought, and that has been one of the reasons why we had to come forward with disaster programs in this town to send out to ag country.

In addition to drought, on the opposite side of that, at the end of the year we have been subject to having hurricanes. Once we had the drought, then it came time to harvest the crop, and
hurricanes blew in from the Gulf of Mexico and did not allow the farmers to get into the field to harvest what crops they did make. These are the everyday challenges that farmers all across America have to face.

Last acquisition is another problem. Land that our folks have rented in past years is now being developed. They are simply having to pay too high a price for land when they buy it, and they are having to pay too high a price when they rent it, because it is now being developed from a commercial standpoint because farmers cannot make a living.

The other issue that is critically important in agriculture today is low commodity prices. Commodity prices are currently at the lowest point they have been in the last 30 years. I asked some of these Walker folks about some particular issues they deal with. I asked Mr. Walker about cotton prices, for example, which today are the lowest they have been in the last 16 years. He said, “Most farmers are going to have to make extraordinary yields to break even.”

I asked him about survival. What about survival of the family farm?

He said, “We don't indulge in extravagancies. When it is possible, we keep growing.”

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I am a proud member of the Committee on Agriculture, and I am a代表 from the State of Wisconsin. In Wisconsin, the dairy industry is still the number one industry in the entire State. The district I represent, the Third Congressional District of western Wisconsin, has approximately 18,500 family farms still existing, all of which are producing some commodity crops. Therefore, I have had a strong interest, and all of the members of the committee have had a strong interest, in putting together a farm bill that is going to provide the assistance that our family farmers need across the country and not just in one particular region.

In Wisconsin, over the last couple of years, we have been losing between four and five family farms a day, because of the low prices, because of the low milk prices, because of low commodity prices. So obviously, the farm bill that we have been operating under over the last 5 years has not inured to the benefit of most family farmers across the country. That is why I feel that it is time for a new approach with farm policy.

I certainly appreciate the hard work of the chairman, the gentleman from Texas (Mr. COMBEST); and the ranking member, the gentleman from Texas (Mr. STENHOLM); and all the members on the committee throughout the course of the last couple of years in putting together a comprehensive farm bill approach for the next 10 years. It has got to be one of the most difficult jobs in this place to do, to deal with all of the competing interests and all of the competing ideas and the policy proposals that I have to place into a workable document to reach consensus. I commend them for their work, and I commend them for agreeing to an open rule, so that we can have an honest discussion and policy debate that we may be comfortable that some of us might have in regards to the direction that the base bill would take us in over the next 10 years.

That is why I am going to be offering an amendment, along with the gentleman from New York (Mr. BOEHLEIN) and the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Michigan (Mr. DINGELL) that would take a little bit of the money that would go to an increase in the commodity prices over the last 5 years and put this money into the voluntary and incentive-based land and water conservation programs. We do that to help more family farmers in all regions of the country, especially those regions and farmers who are currently excluded under the current farm bill and would continue to be excluded under the direction of this new farm bill. We think that is the fair thing to do. We think it is the fair thing to do is to include more regions and more farmers in supporting them in their time of need.

Why is this important? Well, we can provide economic assistance to more farmers, including large commodity producers, through these conservation programs. They would still qualify under these programs, but we would also derive a certain societal benefit through better watershed management, quality drinking supplies, the protection of wildlife and fish habitat and, ultimately, the value of the cropland itself through the farmland protection program that would receive more resources under our amendment.

We are hoping that the next crop that is planted on these family farms is not a shopping mall, because we see the unbridled sprawl and the loss of productive farmland occurring throughout the country today.

I would encourage my colleagues to listen to the debate on this amendment and I ask for their support; and I again commend the leadership, given the work that they have put in thus far on the farm bill.

Mr. COMBEST. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. NUSSELE), who has a tremendous interest in agriculture, as well as being the chairman of the House Committee on the Budget.

Mr. NUSSELE asked and was given permission to revise and extend his remarks.

Mr. NUSSELE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this legislation, the Farm Security Act of 2001. This is important to meet the needs of our changing national agricultural community, and it is within the framework of the budget resolution that we passed earlier this year.

The fiscal year 2002 budget, provided for this important bill $7.3 billion in fiscal year 2002, and $40 billion over the first 5 years and $73 billion over 10 years. This is on top of the $5 billion it provided for agriculture emergencies in 2001. The budget resolution authorized these amounts by establishing a 302(a) allocation for the Committee on Agriculture for fiscal year 2002 that could be used at the committee's discretion for emergency relief and could also be used to authorize this farm bill.

This is the context in which we find ourselves here today. The Committee on Agriculture, under the leadership of Chairman COMBEST and Ranking Member STENHOLM, have done yeoman work over the last 30 months and beyond to bring us to this particular point.

For those people, including the administration, who wandered up here to Capitol Hill today and said, why are we doing a farm bill: they have not been paying attention. I was shocked moments ago to get a statement of administration policy that makes it sound like they do not know why we are doing this.

When the Agriculture Secretary came before my Committee on the Budget earlier this year, we put her on notice that we were going to write the farm bill this year; we were going to budget for it this year; that farmers were tired of ad hoc emergencies on top of ad hoc emergencies; that we were tired of administrations in the past who got new farm bill legislation and then did not implement it; we are tired of the fact that we are writing farm bills during a time of contracting markets overseas and thinking that a farm bill is going to solve the problem, because we are not expanding our trade, the farm bill does not work. When we do not implement the farm
bill, how can we expect farmers to survive under this kind of a situation?

I know that there are people around the country that are waking up today finding out for the first time, maybe in quite a few years, that their 401(k) has collapsed. It is not news that the economy is in trouble in farm country. It has been that way for over 4 years. So for the administration or anybody else to wander to this floor today and express disbelief and wonderment, why are you writing a farm bill, because it is time for very serious situations in farm country. Now, I will tell my colleagues that there is no farm bill that these two gentlemen and their committee could have created that would solve all of the problems. First of all, one size does not fit all. We all know that. Every farm is different, every ranch is different, every producer is different. They have different needs. There is not one farm bill we could create, particularly by a committee in this Congress that could address it, but they have tried. They have addressed the trouble from the last few years. The counter-cyclical nature of agriculture, they have addressed in this bill. Is it perfect? Of course not, because it is not perfect.

But for people to say after 10 months of work to all of a sudden wake up today and say, oh, my gosh, you mean to tell me they are writing a farm bill up there on Capitol Hill? You mean to tell me that we are actually budgeting for these things instead of just shelling out money on an emergency basis? For people to wake up and assume that is a mistake, and it is a pattern that troubles me that this administration may be, in fact, falling into a similar trap of previous administrations.

If this administration fails to implement, fails to expand these markets, and fails to react to the changing economics in farm country, we will not be able to compete in the global markets. Pass this bill. It fits within the budget. It deserves our careful attention during this economic situation across the country.

INTRODUCTION

Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001. This important legislation meets the needs of our Nation’s agricultural community within the framework established by the budget resolution. I take special interest in this bill, not only as a representative of an agricultural district, but also as the chairman of a committee that worked very hard to establish a fiscal framework under which this bill could be considered.

ASSUMPTIONS IN THE BUDGET RESOLUTION ON FARM SECURITY

This fiscal year 2002 budget provided for this important bill $7.3 billion in fiscal year 2002, $40.2 over five years, and $73.5 billion over ten years. This is on top of the $5.5 billion it provided for agricultural emergencies in fiscal year 2001. The budget resolution accommodated these amounts by establishing a 302(a) allocation for the Committee on Agriculture for fiscal years 2002 that could be used at the committee’s discretion for emergency relief or reauthorization of the farm bill. It set aside the rest in a reserve fund that can only be used for a reauthorization of the farm bill.

In providing the necessary funds for this bill, the Committee’s interest was both in maintaining the existing needs of the Nation’s farmers for the fiscal year just concluded and in facilitating efforts to overhaul or Nation’s agricultural support system. While the budget resolution left the details of the farm bill to the Agriculture Committee, it was carefully crafted to encourage efforts to address the underlying weaknesses in existing farm programs instead of resorting to the ad hoc emergency assistance of recent years.

POLICY ISSUES

As you know, the Committee on Agriculture already availed itself of $5.5 billion of the resources provided in the budget resolution when it reported legislation providing additional farm income support payments in fiscal year 2001, which was enacted in August of this year.

The committee now brings before the House a bill that addresses some of the longer term problems confronted by the agricultural community. It does so by combining fixed crop payments with counter cyclical assistance. This affords our Nation’s farmers a more stable source of income, given the wide market fluctuations we have seen in the past few years. I believe that this approach provides both the planting flexibility of the Freedom To Farm Act and the income stability of traditional agricultural programs.

At the same time, the bill addresses some of the broader needs of rural America by reaffirming key conservation programs. Obviously everyone can find something to disagree with in a bill as comprehensive as this. I for one will encourage any future conferences on this bill to fine tune some of its policies. Nevertheless, this bill represents huge progress over the ad hoc emergency assistance of the last four years.

BUDGET IMPLICATIONS

As the Chairman of the Budget Committee, I am especially pleased that Chairman COMBEST, Ranking Member STENHOLM and the entire Agriculture Committee have succeeded in developing these reforms within the appropriate levels established by the budget resolution. As modified by the manager’s amendment, the bill would increase new budget authority by $3 billion in fiscal year 2002, $35.8 billion through fiscal year 2006 and $73.1 billion through fiscal year 2011.

As permitted under sections 213 and 221 of the Congressional Budget Act, the legislation in this bill is an adjustment to the sources provided in the budget resolution. It was carefully crafted to encourage efforts to address the underlying weaknesses in existing farm programs instead of resorting to the ad hoc emergency assistance of recent years.

COMPLIANCE WITH BUDGET RESOLUTION

According to estimates provided by the Congressional Budget Office, this bill comes in under the Agriculture Committee’s adjusted allocation by fully $4.3 billion in fiscal year 2002 and $4.4 billion over ten years. Accordingly, the bill fully complies with section 302(l) of the Congressional Budget Act, which prohibits the consideration of measures that exceed the reporting committee’s 302(a) allocation.

Although bills such as this are only required to meet the first and five-year limits imposed by the budget resolution in the House, I would observe that over 10 years the bill comes in under the $66 billion threshold contained in the resolution. Clearly the Agriculture Committee went to considerable pains to comply with both the letter and spirit of the budget resolution. While I would observe that this bill exceeds the budget resolution’s $66 billion threshold cited in section 313 for the cost of the farm bill over the period of fiscal years 2003 and 2011 by around $3 billion. This overage is more than offset in fiscal year 2002, when the bill uses up only $3 billion of a $7 billion allocation.

CONCLUSION

Once again, the Farm Security Act is a unique measure that manages to address many of the needs of our Nation’s farm community within the fiscal framework established by the fiscal year 2002 budget resolution. I strongly urge all my colleagues to support this important legislation.

Mr. STENHOLM. Mr. Chairman, I yield 5 minutes to the gentleman from Puerto Rico (Mr. ACEVEDO-VILA).

Mr. ACEVEDO-VILA. Mr. Chairman, I would like to thank the chairman and the ranking member for their commitment to bring about a complete farm bill with all titles. This bill is the result of dedication and commitment that committee members have for the people that this House represents. I applaud the committee’s work to increase funds to titles such as conservation, rural development and trade, all of which are extremely important areas for the Nation and for the people of Puerto Rico that I represent, especially our farmers and growers.

I would like to emphasize the importance the nutrition title contained in this bill has for the 430,000 Puerto Rican families that depend on nutrition assistance to keep their children fed and healthy. Title IV reauthorizes the Nutritional Assistance Program, better known in Puerto Rico as PAN, for the next 10 years, with increases in funding for each year. The Puerto Rican nutritional assistance program serves the same purpose in Puerto Rico as the food stamps program serves in the States: to reduce hunger, to improve the health of our children, and ensure our Nation a brighter future. We cannot afford hungry children in our school rooms. Nutrition assistance is an essential foundation for building a better future for all of us. Especially in today’s changing world, ensuring that every family has food on their table no matter what financial circumstances beset them is of utmost importance.

Mr. Chairman, I urge all Members of this House to vote in favor of this bill, and especially support the efforts to guarantee a decent meal to every family in Puerto Rico and across the Nation. I am very thankful that this farm bill assures this for every American.
Mr. THUNE. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just say what has already been said, that America’s farmers need a new farm bill. I appreciate the work that the chairman and the ranking member on this committee have done in a bipartisan fashion to put together a bill that is written by producers and for producers. I appreciate the work that there have been hours upon hours and pages upon pages of testimony from producers all across this country; and I want to thank the chairman and ranking member for coming to Sioux Falls, South Dakota, to my home State, to hear from my constituents. They have listened to producers.

I would also like to thank the chairman and the ranking member for many of the good provisions that are in this bill. It is a substantial commitment to conservation, which is something that I had wanted to make a priority in this bill. Other increases in the area of value-added agriculture, which is something that people in my State are very interested in, what can we do to revitalize rural economies. And value-added agriculture is an important component part of that, and this bill addresses that. Another concern that my producers had is a counter-cyclical payment program and that is also a part of this piece of legislation. My farmers have expressed support for planting flexibility, something that is retained in this bill.

Now, granted, there are issues that were not addressed in this bill, things that farmers have expressed concerns about in my State: updating yield bases, addressing the issue of competition in the marketplace, a farmable wetlands pilot program that was not made a permanent part of the CRP program. These are all issues that I hope to address in the form of amendments as this bill moves forward.

The chairman has kept this committee on a very strict time line and the farmers of South Dakota thank him for his diligence.

This is a small step in what will be a very long process, we know that. While this is not a perfect bill, someone around here once said that we should not let the perfect become the enemy of the good in a place where we are lucky if the adequate even survives. This is a good start. The farmers across this country need a predictable and stable farm policy. It is important that we help them secure America’s food security and move into the future. So it is important that we move this process along.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. Shows).

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today I rise in strong support of the Farm Security Act, farm policy that is balanced, bipartisan, and in the best interests of our Nation with its rural and urban families.

The Farm Security Act assures that communities, farmers, and families across America’s heartland that farm policy, which encourages conservation, income, and increased costs.

This is a good bill. I strongly urge its support.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Phelps).

Mr. PHELPS asked and was given permission to revise and extend his remarks.

Mr. PHELPS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 2646, the Farm Security Act of 2001. I want to thank the chairman and the ranking member for their hard work on this balanced bill; and as a member of the Committee on Agriculture, I was pleased to have been a part of crafting this new farm bill.

This important piece of legislation will govern the funding and reauthorization of conservation programs administered by the Department of Agriculture. This bill is a product of 2 years of bipartisan work that included extensive input from a wide spectrum of agriculture and conservation groups.

This farm bill will benefit farmers in my congressional district of central and southern Illinois, as well as across the country. This bill provides a continuation of agriculture programs, presents a balanced approach to address issues that face producers of crops, livestock, fruits and vegetables, and provides a needed $73 billion in additional funding for agriculture, which has been facing historic low prices, low income, and increased costs.

As vice-chairman of the Sportsmen’s Caucus, I feel this legislation is a balanced approach to meeting conservation needs. This legislation provides an unprecedented 80 percent increase in soil and water conservation programs and current spending levels for conservation programs were increased in this bill, such as the Conservation Reserve Program, Wetlands Reserve Program, Wildlife Habitat Incentive Program, and Grasslands Reserve Program. These increased levels firmly meet the needs of America’s family farms.

While this is not a perfect bill, I am pleased with the balance that was
Mr. Chairman, I urge Members to join me in support of H.R. 2646, the Farm Security Act of 2001.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am privileged to rise in support of this bill. Today we are going to have a debate about farm policy. Many of the people who are going to get involved in the debate have not been involved in the hearings and listening sessions we have had around the world in the last couple of years.

I want to congratulate the chairman and the ranking member. It is about predictability for our farmers; but most importantly, it is about predictability for our farmers to what is happening in the world market. Many people are saying, why do we subsidize agriculture here in the United States?

The truth of the matter is, most farmers do not like subsidies, either. They subsidize agriculture to the tune of about $43 an acre in Europe. We subsidize agriculture $342 an acre. That is not a level playing field.

Our trade negotiators in the last round of the Uruguay trade talks agreed to limit the United States’ export enhancement funding to about $200 million. In Europe, it is $6.5 billion. That is not a level playing field.

In the area of currency, right now we are at a disadvantage to the Canadians of about 23 percent; the Brazilian real, it is 55 percent. If there were a level playing field out there, we probably would not need to do as much as we are doing.

This bill is about predictability. I want to congratulate the chairman and the ranking member. It is about predictability for our farmers; but most importantly, it is about predictability for us on the Committee on the Budget, for the Congress, and most importantly, for our farm producers. It has to happen; but it is not perfect. If any of us that are from farm country wrote this bill, we would probably write it a little differently; but it is what is possible.

The farmers in my district not only support this bill, they need this bill if they are going to survive. We have had a lot of problems up in my country, and this is one of the things that we really need to make it out to the long term.

One of the most important things this bill provides is stability. We have had a lot of problems in the crop, and every year we respond; but it is after the crop year, and it causes problems because people at the beginning of the year are not really sure what we are going to do.

One of the most important parts of this bill is that they are going to know before they plant their crop what the Government involvement is going to be and what the safety net is going to be. That is a very important feature of this bill.

Another thing that this bill includes is a dairy provision, the only dairy provision that all dairy farmers support, and that is, the extension of the $9.90 price-support system for the next 10 years.

There has been a lot of discussion already about conservation. I want to talk a little bit about that. There is a big increase in this bill for conservation. Over the last 2 years, the Sportsmen’s Caucus, which I have had the privilege to co-chair the last 2 years, has worked with the wildlife groups on these conservation measures.

I want to say that the Sportsmen’s Caucus and the sportsmen groups are supporting this bill and the conservation provisions that are in this bill because what we are doing is we are putting money into the programs that are already there, that we know work, and that there is a backlog for.

For example, the Conservation Reserve Program, this bill increases the cap there 3 million acres. That means we are going to have another four or five sign-ups of CRP, which has been arguably the most successful conservation and wildlife program in this country’s history.

We increase the WRP almost 50,000 acres a year, which will allow us to catch up the backlog that is in the pipeline for WRP.

We increase the WHEP program, the Wildlife Habitat Enhancement Program, by $385 million, to work on the 3,087 applications that are waiting in the pipeline.

We also establish a Grasslands Reserve Program, which is a new program that will allow grasslands that have never been broken to be put into long-term contracts to be preserved, and allow us to take some of the grasslands that were broken up, put into production, and then put into CRP, really in a way that should not have happened, allow them to get back into the grassland program and restore that land to grasslands.

Lastly, we put significant new money into the EQIP program, which has a backlog of 196,000 applications.

This bill is a good bill, Mr. Chairman. I ask my colleagues to support it.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PUTNAM), a very active member of the Committee.

Mr. PUTNAM. Mr. Chairman, I commend the gentleman from Texas (Mr. COMBEST) and the gentleman from Florida (Mr. STRINGER) for their work on crafting a bipartisan solution to a number of agricultural problems.

There is an old proverb that when there is food, there are many problems. When there is no food, there is only one problem: We have all this debate on the floor today. We in America grow the safest, cheapest, most bountiful, healthful, and abundant food supply the world has ever known. If Members do not believe me, the next time they sit down to a big meal, look at each of the items on our plate and think about what it took to go through all of the processes to get it there.

We have been so far removed from the land in our country that we have forgotten what it takes to produce the food and fiber that this economy depends on. Where tillage goes, civilization follows, Mr. Chairman.

As we have moved away from the land, we have an entire generation of young people who think that milk comes from the grocery store, that the hamburger committed suicide. Beyond even agriculture, they think that electricity comes from a switch, that gasohol is a little bit of science, and there is no concept that men and women get up before the sun comes up all across this Nation to make agriculture happen; that young people grow up and go to school and get science degrees to be better farmers, to be more efficient users of the inputs, to be more gentle on the environment as we produce that safe and abundant food supply.

It is a dangerous precedent, but we have the luxury of having this debate about the future of agriculture because those farmers are efficient. There are people all around the world, even our enemies who we are about to drop hundreds of millions of dollars of food...
upon, who would kill to have the luxury to argue over whether or not to spend more on cotton or soybeans or sugar or peanuts or wheat. We have that luxury because we have a generation of Americans who get up every day to produce that food and to make it available.

It is important for us to keep in mind, when we talk about commitments to conservation and commitments to the environment, that those water recharge areas are on farms, that those wildlife habitats are on ranches, that the original stewards of the land are landowners and farmers; that the policy that we are for or against, whether or not to do something, is more important to the farmers, which I think is very, very important.

I am also a little concerned about the special consideration that we are giving to the peanut program. We are spending $3.2 billion additional taxpayer dollars for peanuts, a crop I consider a specialty crop. A crop that is going to result in having taxpayer payments of $320 million a year in commodity prices and terribly high input costs, fuel and fertilizer. It is about farms and family farms and it is about the communities that they live, shop in, and where they are. We have to care about rural America.

I am very concerned that a lot of our programs, and even some of the programs in the farm bill today, are designed in a way where too much of that financial benefit is being derived by landowners and has resulted in increased property values and land grants.

**1200**

We are going to be paying $90 billion in fixed payments and countercyclical payments to farmers over the next 10 years. Unfortunately, a lot of that money is not going to go to the actual producers of the crops. In my area is a good example. We have some farmers who have not farmed an acre of cotton in the last 10 years that, under this program, could get as much as $125,000 a year for a cotton payment without ever growing an acre of cotton. I think that is a problem and I think we need to make some reforms.

I have some of those because I care about rural America. I am very concerned that a lot of our programs are landowner oriented and has resulted in increased property values and land grants. I am going to vote for this measure today, and when we vote on final passage; but I also want to assure Members that there is more work that we need to do on this bill before it is going to be signed in a responsible manner that can, I think, give us great confidence that it is the best policy for agriculture when it is signed into law.

This bill does take the appropriate direction in terms of moving forward with an increased investment in conservation, nutrition, as well as rural development; that those are important components of our rural economy and the fabric of our communities in rural America. I commend the chairman and the ranking member for moving in that direction.

I also understand, as a farmer as well as a Member of Congress, that we are facing as tough times in the agricultural sector as we have faced in a century. We have the lowest sustained commodity prices that we have ever seen. Farmers are on the ropes. The additional financial assistance we are providing through the fixed payments, as well as the countercyclical programs, are important to these farmers. However, we have to move this legislation through the House in the next day, and move hopefully into a conference committee with the Senate this year, that we will be open to making some modifications that will ensure that this significant increase in investment of taxpayer dollars will in fact go to the farmers.

I am very concerned that a lot of our programs, and even some of the programs in the farm bill today, are designed in a way where too much of that financial benefit is being derived by landowners and has resulted in increased property values and land grants.

**1200**

We are going to be paying $90 billion in fixed payments and countercyclical payments to farmers over the next 10 years. Unfortunately, a lot of that money is not going to go to the actual producers of the crops. In my area is a good example. We have some farmers who have not farmed an acre of cotton in the last 10 years that, under this program, could get as much as $125,000 a year for a cotton payment without ever growing an acre of cotton. I think that is a problem and I think we need to make some reforms.

Later in the consideration of this bill, I will offer an amendment that will provide for a different approach on a countercyclical program that will ensure that payments go directly to the farmers, which I think is very, very important. I am also a little concerned about the special consideration that we are giving to the peanut program. We will be spending $3.2 billion additional taxpayer dollars for peanuts, a crop I consider a specialty crop. A crop that is going to result in having taxpayer payments of $320 million a year in commodity prices that only has a gross annual product value of $1 billion.

I represent the Central Valley of California that is home to a lot of specialty crops. I have the almond industry in my district, which is a $3.9 billion industry. In this bill, they get absolutely no support. I think that we need to find a way that we can assure greater equity and that we are providing support to all of our commodities that are specialty crops in an equitable manner.

Mr. COMBEST, Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. MORAN). Mr. COMBEST, Mr. Chairman, I yield to the gentleman for yielding me time. I appreciate the leadership of both gentlemen from Texas (Mr. STENHOLM) on this very important issue.

I am here today in part because I care about farmers and ranchers. But the reason I care about farmers and ranchers is because I care about America and I care especially about rural America. What we do today will affect the outcome of whether or not those farmers and ranchers are in business next year, in the next year and for the next generation.

If Members care about America, they have to care about rural America as well. The average age of a farmer in Kansas is 58 years old. I have talked to many young farmers, sons of farmers who want to come back to the family farm, but because of the economy, it is simply not possible. There has been profitablility in agriculture for so long that we do not do anything further to conclude or assist that. It is that way of life, it is farming and ranching and that rural way of life throughout our history that has enabled us to pass character and values from one generation to the next. In very few places in America today do sons and daughters work side by side with moms and dads and with their grandparents.

The history of our country, the heritage of our Nation, was built around the opportunity for that family farming operation, not only to provide food and fiber to the world, but to provide character and judgment and values to children and grandchildren.

I am here today in part because I care about the importance of agriculture and farming and ranching in this country, it is important to me that farmers and ranchers have an economic viability, but it is important to me that we are allowed to continue to do the work that we do. It is about our way of life, it is about our rural communities continue to see a demise in their way of life.

Economic times in agriculture are tough. It is the fourth year in which the economy has declined. The headline in one of my local papers this week, "Kansas Farm Income Falls 38.9 Percent."

Net farm income in Kansas last year was $5947 million. These issues matter to whether or not our farmers and ranchers can survive. We have to have competitive commodity prices and terribly high input costs, fuel and fertilizer. It is about farms and family farms and it is about the communities that they live, shop and send their kids to school in. This issue is one of many that is important to rural America.

We care about health care and its delivery in rural America. We care about access to technology. We care about small business. Certainly we care about education. Those are important, but we have to have the economic base in our part of the world, in our part of the country that can support those services. It seems to me in agriculture it is important to talk about a farm bill and farm policy, but we also have to talk about before us related to trade and exports.

Grain and agriculture commodities must be consumed. We can have low prices and high prices for farm commodities in every farm bill. The ultimate goal must be to export and to consume grain around the world and domestically in a way that provides profitability to agriculture. But we
face tremendous obstacles as we compete in the world.

One of the realizations that I have come to over the last several years is that the rest of the world does not play by the same rules we do. So when we talk about assistance to agriculture, and, yes, it is lots of dollars, it is a lot fewer dollars than what the other countries, what the European community, what Japan, what Korea, what other countries in the world provide in assistance to their farmers, because they understand the importance of agriculture, they understand the importance of providing food and fiber not only to their own citizens but exporting around the world.

Look at the charts. When you look at export assistance, we provide a very small sliver in support of agriculture and exports around the world. The rest of the countries, in fact, the European community is 83, 84 percent. Ours is 2½ percent, and yet we tell our farmers to compete in the world, to farm the markets.

So we need to not only address farm policy, but we have to come back and address issues of trade, of exports, of sanctions, of our inability to export agriculture around the world, and to make certain that we find new and better uses of agriculture products at home.

Finally, we need to make certain that we do the things necessary to make certain that agriculture has competition. I am all for the free enterprise system, but we need to make certain that our farmers are not caught in the squeeze, as everybody they buy from and everybody they sell to gets larger and larger.

Mr. Chairman, I support the bill. I urge my colleagues to pass it. I thank the chairman for the opportunity to address this important issue today.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. Ross).

Mr. ROSS. Mr. Chairman, I fought hard for an appointment to the Committee on Agriculture when I got here in January, and I did so because, one, I understand agriculture. I grew up on my grandfather’s farm. Secondly, agriculture is critical to the economy of my district in South Arkansas.

This new farm bill was written after months of testimony. It was written in a bipartisan fashion, and it is fair to our farm families. It is fair for conservation. In fact, we increase baseline spending for conservation by 75 percent. This bill addresses the needs of our farm families.

We all know that the 1996 farm bill did not work. We might as well have called it “Freedom to Fail.” I will lose farm families and perhaps a few banks in the delta without this new farm bill. We are already too dependent on foreign oil. The last thing we need to do is lose our farm families and become dependent on Third World countries for our food and fiber. My farmers do not want to be welfare farmers. They do not want to be insurance farmers. They simply want to feed America.

This bill ensures America will be there for our farm families when market prices are down, just as our farm families have been there for America for many, many generations. I rise in support of this bill.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. Pence), a very able member of the committee.

Mr. PENCE. Mr. Chairman, I thank the gentleman from Texas (Mr. Combest) for yielding me the time. I thank the gentleman from Texas (Mr. Stenholm) for their aggressive yet prudent approach to writing a bill that Hoosier farmers need, and if I may say so, with clarity. Hoosier farmers need this farm bill now and need this Congress to act now in support of this bill.

The House Committee on Agriculture has drafted a bill that is globally competitive, market responsive and environmentally responsible. I want our colleagues to know the Farm Security Act is a product of years of hard work. We listened to farmers and ranchers during field hearings in my District. We met with hundreds of farmers in 10 separate town hall meetings alone. This bill was truly written by America’s farmers and ranchers.

My colleagues know that I have always advocated to maintain fiscal discipline and this Farm Security Act, as we heard the gentleman from Iowa (Mr. Nussle) describe, fits into the guidelines of the budget that has been adopted by this Congress and supported by the leadership.

Also, the Farm Security Act is environmentally sensitive. It increases conservation funding by 80 percent overall, despite some criticism by certain environmental groups. An 80 percent increase in conservation spending is a hard number to argue with.

Finally, Mr. Chairman, I think it is important to know that United States producers and merchants designed this bill, just standing up for ranchers and farmers, despite the sneering from some in the national media in the left column of The Wall Street Journal this morning.

I believe this bill has national security. As we consider ways and diverse means to strengthen America by strengthening our economy, we must not only remember Wall Street, but we must remember rural main street U.S.A. A strong farm economy means a strong American economy, and a strong American economy means a strong America.

The Good Book tells us Mr. Chairman, that without a vision the people perish. I would paraphrase that without a vision for farm policy over the next decade, many farmers and ranchers will lose their economic lives, and I stand in strong support of the Farm Security Act.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Hinojosa).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001. I would like to thank the gentleman from Texas (Chairman Combest) and the gentleman from Texas (Mr. Stenholm), the ranking member, for their hard work and dedication in bringing this legislation to the floor today. This bill not only benefits farmers and ranchers across the country, but the American consumers as well. It is the most balanced and fair farm bill that could be produced for all of the agricultural interests involved.

My congressional District, the lower Rio Grande Valley of Texas has been in a stressed economic situation due to droughts for the past 6 years. Farm families have squeezed budgets to the limit to keep from being pushed to failure. Farm incomes have declined because of plummeting prices while production costs continue to rise, and the rural economy has suffered.

The support in my District for H.R. 2646 comes from all sectors of the agricultural community including the producers of commodity crops, livestock, fruits and vegetables, as well as their lenders, equipment dealers, manufacturers and service companies.

It is imperative that we pass H.R. 2646 today in order for the legislative process to continue. This bipartisan bill provides the structure for U.S. agriculture to provide the safest, most reliable food and fiber supply in the world. It will ensure that U.S. agriculture remains competitive in foreign markets. The 2002 farm bill delivers a comprehensive package that will propel U.S. agriculture into a dependable and productive future.

I urge my colleagues to support this bill.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Kennedy), one of the most interested members of our committee.

Mr. KENNEDY. Mr. Chairman, I am very impressed by the process that we have used in bringing this bill to the floor. It has been very bipartisan. We passed it by, in essence, a unanimous voice vote in our committee. We sought input from every organization that could have any interest in this bill, whether they be agriculture conservation or otherwise. It is a very balanced bill that maintains the freedom to plant, not making the farmers turn off the last two rows of the corn plan as they go around the field the last time, maintains the market price, gives a better safety net.

In the past, we have had to have emergency payments. This tries to come up with a more efficient, effective way of doing that, and I think it does, and we need to make sure that we are not unilaterally1 disarming when our other competitors in Europe and Japan are providing far more support than we are.
October 3, 2001
CONGRESSIONAL RECORD—HOUSE

H6181

It has an 80 percent increase in conservation program investments with good programs like the conservation reserve program, our wildlife habitat and others. We also have efforts in there to get our price ultimately from the market so we do not have to depend upon programs by spending our sales overseas and investing in research, and it does have good investments in there for rural development with high speed telecommunications and others.

Many people asked why do we have to do this, but unfortunately, too many of our people around the country think that bread comes from the bakery, that meat comes from the meat counter, that milk comes from the cooler, and that sugar comes in a candy bar, and they have a hard time understanding this and really wonder why.

I encourage them to think about who they listen to. When your sink is leaking, you do not call a dentist, and when you have the plague, you do not call the plumber. Listen to those who have listened to their farmers. Many Members of the Committee on Agriculture, like me, have talked to hundreds of farmers since we passed this out of committee. They support this bill. This Congress should as well.

I support the farm bill and encourage the Members to do the same.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri. I am Mr. GRAVES.

Mr. BURLESON. Mr. Chairman, I want to compliment both the gentlemen from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for doing a wonderful job in working this piece of legislation. As a Member of the committee these last four terms and working on two farm bills, I have to say I felt the collegiality and productivity of the committee in this 10-year reauthorization has been something we can all be very proud of.

Mr. STENHOLM. Mr. Chairman, I raise corn and soybeans. I think there is a large and covering this expansive area, there will be areas of concern.

I want to compliment the conservation title in the manager’s amendment. I want to compliment the nutrition and WIC provisions that are here. I want to compliment the export enhancement and market assessment programs, research, the monies that are going to be available for colleges and university and land grant facilities, and especially improving fruits and vegetables and specialty crops.

The areas of concern for me are the dairy and the dairy compact issues that we are unable to address, recognizing that it was not necessarily the jurisdiction of our committee, but also recognizing it is pretty hard to separate agriculture and dairy from each other in terms of the procedural issues that lie before both committees. Having only an opportunity between now and the end of the month to be able to address these issues, I felt it was imperative to work with our colleagues in a bipartisan fashion to get this issue addressed. So later today and tomorrow, and as long as it takes, we are going to make sure that the dairy compact is part of this bill and that we brought foursquare in front of this Congress so that we will have an opportunity to vote up or down on this compact.

I would like to inform the Members that in terms of the compact we are not talking about forcing anything down anybody’s throat. This is something that has been approved by the State legislatures. Twenty-five States want this kind of opportunity to provide a floor for dairy farmers. It is not there if they are doing well, and they are doing well now; but it is a floor for them so that it maintains their farm income and their farm viability.

In Maine and in the Northeast, we have seen some contraction in dairy families with the compact, we have seen less production in the compact area, and we have actually seen less price increases in those compact areas versus the national average. So it has actually worked in places, on production, on prices, supply and demand, and having the countercyclical features that our committee has advocated with all of agriculture as we have tried to develop a 10-year farm reauthorization program.

This is a program that governors want, and they have asked us to give them the approval to be able to maintain something that has been working for 4 years. This program has been working for 4 years. I ask the Members on both sides of the aisle and in leadership in Congress to allow us an opportunity to vote up and down. We were not able to get the amendment protected in terms of the germaneness issue in the Committee on Rules. I know the committee and the membership, where there is over 160 Members that are cosponsoring this legislation. It is a very important piece of legislation. It provides a floor for dairy farms, for small dairy farms, which there are many of. And not just in New England but in the Northeast and in the Southeast, and it also wants this to be part of their program. So I look forward to that discussion.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES), who understands the difficulties firsthand of agriculture.

Mr. GRAVES. Mr. Chairman, I rise today to support H.R. 2646, the Farm Security Act. This is important legislation, critical to our Nation’s farm families. And on behalf of the thousands of farm families across northwest Missouri, I want to thank Chairman COMBEST and Ranking Member STENHOLM for their leadership and their efforts in crafting this bill.

Mr. Chairman, I raise corn and soybeans in northwest Missouri, and I understand all too well the challenges facing farmers today. Every weekend, when I return to Missouri, I hear from farmers all across my district who are struggling just to stay in business. Not only are farmers faced with the 4th consecutive year of record low commodities prices for emergency aid were inadequate. Our Nation’s farmers should not have to rely on a supplemental bailout every year. Producers need support that provides stability and predictability, and that is exactly what this bill does.

In preparation for today, the Committee on Agriculture heard testimony from dozens of farm groups representing thousands of producers all across America. All of them agreed that this bill should include a mechanism that would kick in automatically when prices fall below equitable levels. With this bill, and with the countercyclical program, it eliminates the need for that annual agriculture bailout and replaces it with a reliable program we can depend on.

In 1996, Congress gave farmers a good bill. However, that bill’s success depended on new and expanding overseas markets. Those markets never materialized. This bill recognizes the flexibility and market stability that farmers need while renewing our efforts to promote American agriculture abroad without abandoning our previous trade agreements.

Additionally, this bill strengthens our commitment to the environment, providing greater resources to ensure that our land, air, and water remain fertile and clean.

Mr. STENHOLM. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to begin by commending Chairman COMBEST and Ranking Member STENHOLM of the Committee on Agriculture for their work in bringing this bill to the House floor.

This bill has been a product of compromise when others said it could not be done; persevered in holding hearings, persevered in drafting a bill, and even in the wake of tragic events thereafter hit our Nation, persevered in bringing this bill to the House floor. The first major nonattack bill considered since that morning 3 weeks ago, September 11.
Since that time, without glancing and vote $15 billion worth of relief to the airline industry, to be spent this year, shoring up the critical component of our economy that they represent. This bill represents $10 billion over 10 years to revitalize the family farmer base of our food supply and investing in our Nation's food supply, every bit as critical a component to our economy as anything else one can think of.

The way we achieve security, abundant production, highest quality, and affordability in food supply is with diversified production. And the way to achieve diversified production is to keep family farmers right at the heart of who grows the food for this Nation.

Now, worldwide commodity prices have collapsed, collapsed to the point where what the farmer has been getting at the elevator after harvest is actually lower than what it costs to grow that crop. Nobody can stay in business under circumstances like that. And that is why we see the wholesale departure of families from the land, families that have been there for generations. Depopulation, meaning we lose so many, cannot even support basic infrastructure in critical regions of the State, is a major issue that North Dakota is dealing with and other issues through the Great Plains. The way we attack it head on is to preserve profitability in farming, and that means farmers need some help.

Let me give my colleagues a little Economics 101 on family farming. It does not matter how good a farmer someone is, you cannot control the price of your product. And if you cannot recover even costs, much less make a little money to put shoes on your kids and pay the light bill, you cannot stay in business. We are going to continue to drive out the smaller producer and concentration to larger corporate enterprises, the enterprises that have the deep pockets to go through this kind of price trough, unless we have a farm bill that helps our families stay in business. We are going to continue to drive production to larger and larger corporate enterprises, the enterprises that have the deep pockets to go through this kind of price trough, unless we have a farm bill that helps our families stay in business.

We have got to keep this momentum going by moving this bill along and continuing it down the legislative process.

I urge my colleagues to vote for the bill. I am proud to stand with this bill and commend the Committee on Agriculture for their good work.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I wish to engage in a colloquy with the gentleman from Texas (Mr. Combest), the chairman of the Committee on Agriculture; but I would like first to thank the gentleman from Texas and his colleague, the gentleman from Alabama (Mr. Everett), the distinguished chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs, for working with me to improve the provisions of this bill relating to Federal peanut programs.

The fourth district of Virginia is home to one of the largest peanut producing populations in the Nation. Though I have not been a member of the committee for very long, I have worked hard since being sworn in to make the views of this community known to the House Committee on Agriculture during their consideration of this legislation. I have been very grateful for the cooperation and attention that their concerns have gotten from the committee.

As reported from the committee, I have very serious concerns that this bill would severely strain the financial resources of Virginia's peanut farmers, particularly the small family farmers. While I recognize that times have changed and that the Federal programs must adapt as to the farmers that I represent, I remain apprehensive about the effect that these dramatic changes may hold for the future of peanut farming in my State.

I appreciate the difficult balance that the chairman and his panel had to address in recognition of America's taxpayers at the same time as meeting the needs of America's agriculture community, and I am hopeful that I will be able to continue to work with the chairman as this bill goes to conference with the Senate.

Mr. FORBES. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Texas.

Mr. COMBEST. Like the gentleman from Virginia, I recognize and respect the role that the farmers have played in our Nation's history and the importance of their work to our national economy. The development of this bill represents the best package we could achieve in balancing the needs for commodity, conservation, trade, nutrition, credit, rural development, and research programs, while fitting into the fiscal restraints given to us by the budget resolution.

I appreciate the gentleman's concern about the peanut provisions of the bill, and I am pleased that we have been able to work with him to accommodate some of those concerns. Specifically, we have proposed a change in the manager's amendment that would allow a producer to establish a base on land he set aside and the point the producer would have a one time ability to set the base on any land that he chooses. This would give the producer the ability to put the base on land he owns or will give the producer a better bargaining position if he sets down this base on the land he rents.

I thank the gentleman for his work and concern on this issue and I look forward to working with him to continue to address the problems and concerns that he has of the producers of peanut farming in Virginia as this bill goes forward to conference with the Senate.

Mr. FORBES. Mr. Chairman, reclaiming my time, I wish to thank the gentleman from Texas for his comments.

Mr. Chairman, I rise in support of the Farm Security Act of 2001. Though I have some serious concerns with provisions of the bill that dramatically alter the peanut program, I realize how important this bill is to farmers across the Nation and that this legislation must still go through the conference committee. I thank the Chairman for his hard work.

Our farmers are the heart of our nation, and Virginia's peanut farmers are the heart of the Commonwealth. Peanut farming is important to the economic livelihood of Virginia, bringing $55 million in cash-receipts to the state. Virginia peanuts are in high demand for gourmet-style fried peanuts and roasted in-the-shell ballpark peanuts that we all have enjoyed at baseball games. It is important to remember the peanut program does not just impact farmers who exclusively grow peanuts but it also impacts the entire community. We have to depend on peanut production to keep them alive and all those who insure, supply, or assist peanut production in any capacity, including...
local governments who depend on taxes from these farms for survival.

There are four specific concerns that I have had with the Committee-passed bill, and I worked hard with the Chairman to accommodate each of them.

First was that the new program would begin with the 2002 crop. My concern was that there would not be enough time for the farmer to adjust to these changes, with contracts that have already been made based on the assumption that the current program would run through 2002.

Second was concerned that the bill focused on the farm and not the farmer. My goal was to see that the base be tied to the producer.

Third, I was concerned that the financial return for the producers was so low that there would be no incentive for young farmers to enter the farming business, and that those retiring would not be replaced.

Last but not least, I was concerned that the Peanut Administrative Committee was being phased out and replaced with a board without the meaningful representation of higher quality standards.

Since my swearing in, Mr. Chairman, in late June, I have been working hard to represent these views to the Committee on behalf of Virginia’s peanut farmers. I have greatly appreciated the full and subcommittee chairmen’s attention to these concerns. I am particularly thankful for their determination that some of these points warranted changes in the Committee-pas sed bill.

Specifically, the manager’s amendment includes a provision, which should improve the overall program, that a producer can earn by allowing the producer to establish the base on any land he chooses. Virginia’s peanut farmers have been farming the land for generations because they love it. But we must be mindful of the fact that they must be able to make a living in order to continue doing what they love.

Del Cotton, manager of the Franklin-based peanut marketing cooperative, said some producers will be happy and others will not with the proposed quota buyout. I hope Congress will continue the necessary steps to keep the peanut program viable.

Mr. Chairman, I recognize, as do the farmers I represent, that times have changed and will continue to take the necessary steps to protect that. Virginia’s peanut farmers have always been the backbone of this nation.

That was true at our country’s founding, and it is true today as we prepare to wage a long, hard war against terrorism. Food security is just as vital to our national defense as a strong military and strong economy. Our farmers and our partners in this endeavor look forward to continuing to work with the Chairman on this legislation as it goes through conference negotiations with the Senate.

That said, Mr. Chairman, I encourage my colleagues to support this bill and to support the Chairman during conference deliberations.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to commend the chairman and the ranking member for the hard work that they and the committee staff have put into this very important bill. We in Congress have joined the President in urging America to get back to business, and our job today is a monumental one: to enact a farm bill that enables farmers and agribusinesses to survive during this economically challenging time we face.

After 4 years of depressed commodity prices and inflationary production costs, droughts and disasters, our whole agricultural system is at risk. This is not a new concern. It’s not simple math. Farm income has not been sufficient to sustain most producers, even though they adhere to sound farming practices. If it were not for a Federal farm safety net, the country would have experienced a catastrophic loss of farm operations and agribusinesses that serve them. Like oil, we would have become more much dependent on foreign producers for our food and fiber, the necessities of life.

Mr. Chairman, the farm bill enacted in 1996 was a visionary bill that gave farmers greater flexibility, but which failed to provide the help needed when prices slumped and costs increased.

The farm bill that we consider today continues that same flexibility, but with a stronger safety net that should eliminate the need for billions of dollars of ad hoc appropriations. It includes a more market-oriented peanut program which makes it possible for our growers to compete as tariff rates decline and that phases out the quota system.

The bill provides a significant level of compensation to quota holders within budget constraints that we face; but I believe the funding level should be higher, and I will continue to work for that.

It includes a 75 percent increase for soil, water and wildlife conservation, a food stamp program that includes new transitional assistance for families leaving welfare, $785 million for rural development, including funds to improve drinking water, expand telecommunications and promote value-added market development, a 100 percent increase in funding for the market access program helping producers and exporters finance promotional initiatives abroad.

Mr. Chairman, I urge my colleagues to vote for the Farm Security Act of 2001 and to help ensure a brighter future for our farmers, our agribusinesses, and especially for our consumers across the country.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, first let me say that I am a farmer. I have been involved in farm programs since the 1960s, and never has there been such a complete effort to protect the input of American producers and those associated with agriculture into this final result, into this piece of legislation.

The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) held 47 field hearings across the United States, 10 of those were full committee hearings, in addition to the dozens of hearings held in Washington. We tried to come up with legislation which is now confronting American agriculture. That predilection is: Do we let other countries subsidize their farmers to the extent that it puts our farmers out of business?

I would now like to see, if you will, with countries like Europe, who subsidize their farmers five times as much as we subsidize our farmers. To project what happens with that kind of subsidy, their additional production goes into what would otherwise be our markets. It is not a good way to do business.

The taxpayer, one way or the other, is going to end up paying more for their food supplies to keep farmers profit. An agricultural policy is through farm subsidies. That is what is happening in the United States. I mentioned Europe, five times the subsidies as the U.S. Members can compare that to countries like Japan, that pays up to 12 times in subsidies as we pay our farmers.

Eventually there has to be a more market-oriented solution in all countries to let the buyers of those products pay for them at the marketplace rather than through tax dollars distributed through government programs that are ultimately going to be unfair.

Mr. Chairman, look at this bill carefully and let us move ahead. For the time being, we have to keep American agriculture in place.

Mr. STENHOLM. Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON). Mr. SIMPSON. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST), the chairman; and I thank the ranking member, the gentleman from Texas (Mr. STENHOLM), and staff for all of the hard work that they have put into this legislation.

Mr. Chairman, I traveled the Nation with my colleagues on the House Committee on Agriculture last year and heard first hand from farmers in numerous States about the challenges facing them and the way in which they felt those challenges could best be addressed.

I can state unequivocally that this bill meets the needs of the farmers we have heard from and provides dramatic new investment in areas like trade promotion and conservation funding. As has been mentioned, there is a 78 percent increase in conservation funding.

I spent the summer talking to farmers and ranchers across Idaho; and with rare exception, they have told me that they want this bill passed in its current form. They believe that this bill provides them the flexibility that they need to operate their farms the way...
that they want to; and it provides the predictability they need to keep their family farms operating for themselves, their children, and great-grandchildren.

Mr. Chairman, it is without some regret that I wish the administration had been with me on the trip I took to Idaho farmers and as we held field hearings across this great country. I listened as I read the statement of administration policy this morning, the first statement that I have heard from the administration on their position on this farm bill. I was dismayed and disappointed. I would like to talk for just a minute about the points that they make in their concerns in this agriculture bill. They make four bullet points.

First, that this bill encourages over-production while prices are low. With price supports, we are trying to keep farmers in business when prices are low. I guess the answer that they have, and they specifically discuss in their statement of policy, is to let those farmers go out of business. I certainly hope that is not their policy; but if they have a different idea, they ought to share it with us.

The second bullet point is that it fails to help farmers most in need. They state in their statement of policy, and I quote: "Nearly half of all recent government payments have gone to the largest 8 percent of farmers, usually very large producers, while more than half of all U.S. farms share only 13 percent of the payments."

Mr. Chairman, the USDA considers large farms those farmers that have $250,000 or more gross sales. Those farms account for 15 percent of farms reporting government payments, and produce 54 percent of the value of program crops eligible for payments. They are 15 percent of the farms; they produce 54 percent of the value of program crops. Only 0.5 percent of the large farms were nonfamily farms. The average transition payments in 1998 for these large farms was $21,870.

These farms received 47 percent of the payments, while producing 54 percent of the value of program crop production. Small farms, those that produce less than $250,000, on the other hand, produced 46 percent of the value of program crop production, but received 53 percent of the payments.

I think we have been going in the right direction trying to help the small family farms, those under $250,000 in gross sales. They have gotten a larger percentage of the actual payments. Also consider that over 77 percent of all large family farms operate with debt; 20 percent greater than average for all family farms. These farms carry debt liabilities equal to 47 percent of their maximum feasible debt load, 54 percent greater than the average for all family farms.

Mr. Chairman, more than 91 percent of all large family farms have negative household incomes, 91 percent greater than the average for all family farms.

Mr. Chairman, this bill is a farm bill. Payments are based on production. Large producers are obviously going to get a larger share of the payments. They also put more at risk. I think we have been going in the right direction trying to address this and making sure that we address the concerns of small family farms and all farmers.

The third bullet point from the statement of administration policy is that it jeopardizes critical markets abroad. Mr. Chairman, I believe the real problem we have in agriculture today is that we have not been able to level the playing field between us and our competitors around the world. American farmers are at a competitive disadvantage to producers in other countries. We all know that. They get subsidized more in other countries than we support our farmers in this country. That puts us at a competitive disadvantage.

This bill enhances our Export Enhancement Program, funds it further; and provides a level playing field. We cannot have a free market and fair trade when there is not a level playing field. It is a myth to think that there is a level playing field right now.

I hope that the administration is serious about how they are serious, when they say that agriculture will be a top priority in trade negotiations as they try to negotiate new trade agreements in the WTO.

Lastly, they say that this boosts Federal spending at a time of uncertainty. As the chairman of the Committee on the Budget has stated, we reached an agreement on the budget resolution. This piece of legislation is crafted to stay within that budget resolution. It does exactly what the Committee on the Budget requested that we do, and I compliment the chairman and the ranking member for keeping this bill within the budget restraints that were imposed upon us.

Mr. Chairman, this bill is the result of over 2 years of listening, learning, and hard work. It is the result of intense commitment, meaningful debate, and constructive compromise.

Today we have a chance to endorse not only the legislation language in this bill, but the fair and open process that fostered its development. We also have a chance to bring new hope to rural communities and to bring real stability to our Nation's producers.

Mr. Chairman, I urge my colleagues to support the Farm Security Act for America's farmers.

The CHAIRMAN. The time of the gentleman from Texas (Mr. COMBEST) has expired.

Mr. STEINDLHOLM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COMBEST) for his utilization.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. COMBEST) will control 5 additional minutes.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).
perfect in the eyes of everyone, I believe this historic reform is an equitable one and is well crafted to ensure the viability of the American peanut farmer.

Mr. Chairman, U.S. farmers have been asking for your help. I am happy to tell my friends in Georgia that help is on the way. I hope all my colleagues will vote for this bill.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

I want to say in closing, Mr. Chairman, I want to thank all of the members of the committee and all of the Members not on the committee who have come over and taken such an active role in this. As we can see, the interest of agriculture spans well beyond those members on the Committee on Agriculture. I thank the gentleman for the courtesy with his time.

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

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time on this side. I would just use a portion of the remaining part of my time to emphasize a few points.

To say I am rather disappointed in the statement of administration policy today would be the understatement of the day. I believe I am correct that we have had 47 subcommittee hearings. I know we have had 10 full committee hearings in which at each time we were considering the various parts of what always ends up being a very controversial bill, the agricultural bill, I asked what the administration’s position was. We wanted to consider that.

I remember 1995 and 1996 when the committee and the House leadership refused to allow the administration witnesses in the room when we were conferencing. We made some mistakes when we did that. We usually do better legislative work when we have due and proper consideration by the legislative body with administrative input. I suspect and I hope and I really believe that we will get that when we get to a conference on the bill. But to come in the day before, actually a few minutes after we had passed the rule, by stating your position is not helpful, especially when you make some specific allegations that this bill encourages overproduction. You have not the bill, whoever wrote this. I am sure it was OMB. You have not read the bill. We deliberately made changes in the loan rates in order that we might accomplish some of the criticisms of the current bill.

It is a help to help farmers most in need. Where were you when we were asking for recommendations of how we do a better job of that? As we asked over and over as to farm witnesses and farm groups, how do we attack this particular problem? Where were you when we asked?

Jeopardizes critical markets abroad. I have been around here now for almost 23 years. I have seen trade negotiators and trade negotiations begin and I have listened to administrations in which they have always emphasized the importance of agriculture when we go into the negotiations. But I have also noted when they do not work, that somewhere over the Atlantic, agriculture is dumped out with a parachute.

This time around, I said, and it was one of my prevailing judgments into our bill that we present to you today, I wanted to be sure that our government was standing shoulder to shoulder with our producers in these upcoming negotiations, and in the manager’s amendment, we specifically say that if there is anything in this bill that makes us illegal under WTO agreements, we give the Secretary of Agriculture the authority to make those changes so that it conforms, because no one on the House Committee on Agriculture wants to be part of any law that causes us to break a law or an agreement that we have agreed to in the good faith of the United States of America.

Boosts Federal spending at a time of uncertainty. They have got us there. But let me point out we are boosting it by $2 billion next year. That is the total. $2 billion. Of which a portion of that, as we heard the gentleman from North Carolina (Mrs. CLAYTON) speaking, is guaranteed 1990 wage levels, how happy are your employees when they are going to be asking the question over to those that seem to believe that somewhere over the Atlantic, agriculture is dumped out with a parachute.

I predict when we get to the stimulus package, that you are going to have the administration agreeing to many more billions of dollars than 2. Why plus? How much more? The Senate. We are going to hear a little bit about the sugar program and prices. Here again, we have the lowest prices for our producers since the Great Depression, in the last 30 years. I am going to be asking the question over and over to those that seem to believe that the only thing we can do to stay competitive is lower our prices, this bill that we bring forward that is being criticized by those that believe we are producing 370,000 acres of lettuce is guaranteeing our farmers 1990 prices. Now, I ask anyone in this Chamber, anyone listening, anyone downtown, anyone at any of the newspaper editors that have criticized us, if you spend your employees’ time going to be guaranteed 1990 wages, levels, how happy would you be and how exorbitant would your company be? Is that what we do in this bill. Would we like to do more? Absolutely. But we operated under the good faith restraint of a budget that we did not agree with it, but it became the law of the land and, therefore, I do as I try to do quite often, and, that is, work together. On the Committee on Agriculture, we do a darn good job at that. I commend again the chairman, the subcommittee chairman, all of the folks on that side of the aisle and my own colleagues for the spirit in which we have conducted this in the House today.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, just so the record is clear, rather than those people who have not followed this quite as carefully as we have on this committee, this process started well before the decision about who the current administration was. I think before either nominee actually even was nominated. This year, we started very early on in this calendar year having hearings all throughout the process, asking people what it was that they wanted.

Let me ask the gentleman from Texas, how many times did the Secretary of Agriculture or anyone from the Department of Agriculture come before our committee and give us any suggestions?

Mr. STENHOLM. To the best of my recollection, Mr. Chairman, zero.

Mr. COMBEST. The gentleman’s recollection is correct.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of H.R. 2646, the 2001 Farm Bill, but also to express my support for several amendments that will be offered today to the Boehlert/Kind/Gilchrest/Dingell amendment that would provide a more equitable distribution of government resources to farms and farmers throughout the United States, and the Sherwood/Etheridge/McHugh amendment to permanently authorize the Northeast Dairy Compact.

For most people in this country, talking about farming does not conjure up images of my home state of Connecticut. For most people, Connecticut likely generates images of insurance companies, or submarine and aerospace manufacturers. But farming is a critical part of the Connecticut economy and our traditions. In fact, the Connecticut Department of Agriculture estimates that Connecticut receives a $900 million income from agriculture production, and adds about $2.1 billion to the state’s economy. There are approximately 4,000 farms holding approximately 370,000 acres of land in Connecticut. In a state that is only 4,872 square miles, that represents over 11 percent of our land devoted directly to farming.

In Connecticut, devoted to farming, Connecticut ranks first in the nation in the density of egg laying poultry and the density of horses. We are fifth in mushroom production, seventh in pear production, eighth in the density of dairy cows and tenth in milk production. Aquaculture in Connecticut is an $18 million industry and the use of oyster farming ranks Connecticut among the top five in the nation. In addition, nursery and greenhouse production was valued at $168 million, and bedding and garden plant production was valued at $50 million in 1999. Much agricultural production within such a small geographic area has meant seamlessly integrating our farms within our communities and as well as working to
harvest the resources of natural environment in ways not duplicated in other places in the United States. But Connecticut is the home of "Yankee Ingenuity", and our farmers carry this tradition proudly, pursuing a dynamic range of enterprises and farming practices that leave the "traditional farming" label far behind. Innovative methods and creative planning are combined with one of the nation's best and original agriculture land grant universities at the University of Connecticut, put Connecticut farms at the forefront of exploring new ways of agriculture production.

One issue that is raised repeatedly in my district and throughout Connecticut is the increasing "multifunctionality" of our farms. In New England, our farms are not just producing commodities for direct consumption, they interact with the foundation of our communities and economy in subtle ways often overlooked by most people. The open space and rolling hills protected by Connecticut farms are critical areas of open space in an increasingly urbanized environment. They provide a continuous source of local community income from the thriving agritourism industry.

So for all of these reasons, we in Connecticut and the Northeast need a farm bill that recognizes the needs of our farmers and the region. The underlying bill has many important programs that our farmers need, but the Boehlert/Dingell amendment greatly improves it, paying more attention to the diverse and unique needs of farmers in the Northeast.

I also strongly support the Sherwood/Etheridge/McHugh amendment to permanently authorize the Dairy Compact. The Compact, as many of you know, was authorized in the 1996 Farm Bill, but was designated to sunset in 1999 pending reform of the federal milk marketing order program, a program that still fails to take into account the needs of dairy production at small family farms. Therefore the compact is still needed and Congress has twice extended its authority, the last time through September 30, 2001. But today is October 3, 2001 and this Congress, under pressure from special interests, has still not acted to address this critical issue for the people of my State and instead has allowed the compact to expire.

Now I understand that opponents are moving to block consideration by attempting to rule the amendment out of order because it is not germane to debate in the context of the Farm Bill. Action on the Dairy Compact is the number one priority for the Connecticut agriculture community. Legislation to permanently authorize the Compact has been introduced by Congressman Hutchinson and carried forward by Congressman Etheridge and Congresswoman M. Etheridge that has the support of over 160 cosponsors. There is strong local support for this bill and this amendment. All of the state legislatures included in the Northeast Dairy Compact have approved it, as have the state legislatures in numerous states around the country who are waiting for this Congress to act so that they can join and form additional regional compacts.

The compact is necessary because the federal minimum farm milk price is not sufficient to cover the cost of producing milk in small family farms throughout New England, forcing the region's dairy farmers out of business. Simply put, dairy farming is the lifeblood of the Connecticut agricultural economy. As dairy farms are forced to close, demand for feed and other support crops, farm machinery, open space and agri-tourism all follow suit, creating a devastating and unrecoverable fall-out of the local economy for those reliant on the business created by dairy farming. The loss of these resources and farms is unacceptable. It is the opinion of the speaker, now as a Member of the Armed Services Committee, a weakening of our domestic national security.

Despite arguments by opponents, the compact does not force farmers or the taxpayers of the United States anything. This is not a subsidy program. In fact, the Compact specifies that USDA for the amount of federal price support purchases it makes a result of potential overproduction of milk, and for an additional technical assistance it receives from USDA’s Agricultural Marketing Service. Additionally, the Compact reimburses participants in the Women, Infants and Children (WIC) Supplemental Food Program to offset any increase in the cost of fluid milk caused by premiums within the Compact. The Compact is also expressly prohibited from discriminating in any way against the marketing of milk produced anywhere else in the United States. As for arguments that the Compact artificially increases prices, the record has shown that price increases have been negligible to consumers, who in general have also strongly support the Compact.

The Congress produces a major Farm Bill only once every five years. Debate and consideration of the amendment is critical at this time. There is no other more germane legislation within which to address this issue, and our farmers cannot wait another five years for the next Farm Bill. It is time for us to have this debate and proceed with an up or down vote on this issue, and urge my colleagues to support the Sherwood/Etheridge/McHugh amendment, or at least support its fair consideration.

Finally, Mr. Chairman, I would like to bring to the House’s attention an important provision in the bill, aimed at rural development. Section 315 of the George W. Bush Administration’s Rural Development Partnership consisted of the Coordinating Committee and the state rural development councils.

State Rural Development Councils, like the Connecticut Rural Development Council, were established to promote interagency coordination among federal departments and agencies that administer policies and programs that impact rural areas and promote intergovernmental collaboration among federal agencies and state, local, and tribal governments and the private and non-profit sectors. These local councils have done tremendous work and are an important local resource for our communities. They continue to prove extremely successful at local levels, and have worked at the local level to leverage the roughly $35 million annually appropriated by Congress in the past into more than $1 billion annually for conservation, as well as rural and urban development projects. For every dollar appropriated by Congress, local Councils have leveraged an average of $14 from non-federal sources.

The Rural Development Councils are an example of how local governments and the federal government should work together, and I am pleased to see that this bill recognizes their importance by establishing this partnership. This is a step in the right direction, and as much as could be accomplished in the Farm Bill at this time. However, Congressional Rural Caucus Agricultural Task Force Co-Chairs Congressman PICKERING and Congresswoman TURNER are working to introduce a bipartisan comprehensive farm bill for the future, and I would urge my colleagues to support their legislation to further this important initiative.

Mr. BEREUTER, Mr. Chairman, despite this Member’s very strong support for the fundamental lack of necessary policy reforms in the overall bill, he rises in strong support of Title III of H.R. 2646, the Farm Security Act of 2001. Since Nebraska’s 1st Congressional District’s economy relies heavily on agriculture-related trade, the export and humanitarian programs authorized in Title III impact this Member’s district more directly than perhaps any other provisions passed in this body. Also, this Member would remind his colleagues that these programs impact many Americans as the United States Department of Agriculture (USDA) estimates that for every $1 generated by agriculture exports, an additional $1.30 is generated through export-related activities.

Therefore, this Member would like to thank the distinguished Chairmen and Ranking Members of the Agriculture and International Relations Committee (Mr. COMBEST, Mr. STENHOLM, Mr. HYDE, and Mr. LAN- TOS). In addition, this Member would like to thank the distinguished gentlelady from Missouri (Mrs. EMERSON) for her unwavering support of this year’s Farm Bill. This is the Member from Michigan (Mr. BEST, Mr. Sarten, Mr. HYDE, and Mr. LANTOS) in addition, this Member also would especially commend the distinguished gentlelady from North Carolina (Mrs. CLAYTON), for her dedication to the Farmers of Africa and Caribbean Basin Program which builds on the current Farmer-to-Farmer Program, previously established by this Member, by linking African-American volunteers engaged in farming and agribusiness with their counterparts in Africa and the Caribbean Basin to provide technical assistance. Their efforts are much appreciated.

Mr. Chairman, for the United States to remain competitive in the world agriculture markets it is crucial to support market development activities which encourage the sale of U.S. commodities and value-added ag products overseas. Our European, Asian, and South American competitors have funneled significant government monies into market development. Indeed, our competitors individually outspend the U.S. at a rate of at least 4 to 1.

The competitive arena of ag trade, it is critical to provide U.S. ag-industry components with appropriately funded market development tools for effectively fostering new overseas markets, entering existing overseas markets, and maintaining overseas markets. Title III provides a critical new base to replace the current Foreign Market Development Program (FMMP) of $28 million to $37 million a year. This Member notes this Member is pleased that the current version of Title III of H.R. 2646 includes language supporting a study on fees for services provided by the Foreign Agriculture Service (FAS) rather authorizing the
certainly is appropriate. The States of the former Soviet Union; therefore, I continue to work toward other foreign policy goals that Committee Members have for the Nation and people this House represents. I applaud the Department of State for its work to increase funds to titles such as Conservation, Rural Development and Trade, all of which are extremely important areas for the Nation and people of Puerto Rico and especially, to our farmers and growers. I would like to emphasize the importance the Nutrition Title contained in this bill has for the 430,000 Puerto Rican families that depend on nutrition assistance to keep their children fed and healthy. Title IV reauthorizes the Nutritional Assistance Program, better known in Puerto Rico as PAN for the next ten years, with increases in funding for each year. The Puerto Rican Nutritional Assistance Program is an important program for building a better future for all of us. Especially in today’s changing world, ensuring that every family has food on their table, no matter what financial circumstances beset them, is of utmost importance. I urge all Members of this House to vote in favor of this bill and especially support the efforts to guarantee a decent meal to every family in Puerto Rico and in the Nation. I am very thankful that this Farm Bill assures this for every American.

Mr. STENHOLM. Mr. Chairman, I yield back the balance of my time. The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the amendment in the nature of a substitute, as modified, is as follows:

strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Farm Security Act of 2001.”

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

TITLE I—COMMODITY PROGRAMS

Sec. 100. Definitions.

Subtitle A—Fixed Decoupled Payments and Counter-Cyclical Payments

Sec. 101. Payments to eligible producers.

Sec. 102. Establishment of payment yield.

Sec. 103. Establishment of base acres and payment acres for a farm.

Sec. 104. Availability of fixed, decoupled payments.

Sec. 105. Availability of counter-cyclical payments.

Sec. 106. Producer agreement required as condition on provision of fixed, decoupled payments and counter-cyclical payments.

Sec. 107. Planting flexibility.

Sec. 108. Relation to remaining payment authority under production flexibility contracts.

Sec. 109. Payment limitations.

Sec. 110. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 121. Availability of noncourse marketing assistance loans for cotton.

Sec. 122. Loan rates for noncourse marketing assistance loans.

Sec. 123. Term of loans.

Sec. 124. Repayment of loans.

Sec. 125. Loan deficiency payments.

Sec. 126. Payments in lieu of loan deficiency payments for grazed acreage.

Sec. 127. Special marketing loan provisions for upland cotton.

Sec. 128. Special competitive provisions for extra long staple cotton.

Sec. 129. Availability of recourse loans for high moisture feed grains and seed cotton and other fibers.

Sec. 130. Availability of noncourse marketing assistance loans for wool and mohair.

Sec. 131. Availability of noncourse marketing assistance loans for honey.

Subtitle C—Other Commodities

Chapter 1—Dairy

Sec. 141. Milk price support program.

Sec. 142. Repeal of nonrecourse loan program for processors.

Sec. 143. Extension of dairy export incentive and dairy indemnity programs.

Sec. 144. Fluid milk promotion.

Sec. 145. Dairy product mandatory reporting.

Sec. 146. Funding of dairy promotion and research program.

Chapter 2—Sugar

Sec. 151. Sugar program.

Sec. 152. Reauthorize provisions of Agricultural Adjustment Act of 1938 regarding sugar.

Sec. 153. Storage facility loans.

Chapter 3—Peanuts

Sec. 161. Definitions.

Sec. 162. Establishment of payment yield, peanut acres, and payment acres for a farm.

Sec. 163. Availability of fixed, decoupled payments for peanuts.

Sec. 164. Availability of counter-cyclical payments for peanuts.

Sec. 165. Producer agreement required as condition on provision of fixed, decoupled payments and counter-cyclical payments.

Sec. 166. Planting flexibility.

Sec. 167. Marketing assistance loans and loan deficiency payments for peanuts.

Sec. 168. Quality improvement.

Sec. 169. Payment limitations.

Sec. 170. Termination of marketing quota programs for peanuts and compensation to peanut quota holders for loss of quota asset value.

Subtitle D—Administration

Sec. 181. Administrator of commodity programs.

Sec. 182. Extension of suspension of permanent price support authority.

Sec. 183. Limitations.

Sec. 184. Adjustments of loans.

Sec. 185. Personal liability of producers for deficiencies.

Sec. 186. Extension of existing administrative authority regarding loans.

Sec. 187. Assignment of payments.

TITLE II—CONSERVATION

Subtitle A—Environmental Conservation

Acreage Reserve Program

Sec. 201. General provisions.

Subtitle B—Conservation Reserve Program

Sec. 211. Reauthorization.

Sec. 212. Enrollment.

Sec. 213. Duties of owners and operators.

Sec. 214. Reference to conservation reserve payments.

Subtitle C—Wetlands Reserve Program

Sec. 221. Enrollment.

Sec. 222. Agreements and agreements.

Sec. 223. Duties of the Secretary.

Sec. 224. Changes in ownership; agreement termination; modification; termination.

Subtitle D—Environmental Quality Incentives Program

Sec. 231. Purposes.

Sec. 232. Definitions.
section, the payment yield for each of the 2002 through 2011 crops of a covered commodity for a farm shall be the farm program payment yield in effect for the 2002 crop of the covered commodity under section 505 of the Agricultural Act of 1949 (7 U.S.C. 1465).

(c) FARMS WITHOUT FARM PROGRAM PAYMENT ELIGIBILITY.-The payment rate for a farm who fails to meet the requirements of paragraph (a) may be determined by the Secretary as a separate payment for the covered commodity on the farm taking in consideration the farm program payment yields applicable to the commodity under subsection (a)(2) for other farms in the area.

(d) PAYMENT YIELD FOR OILSEEDS.—

1. Determination of Average Yield.—In the case of soybeans and each other oilseed, the Secretary shall determine the average yield for the oilseed for a farm on the farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the oilseed was zero, if, for any of these four crop years in which the oilseed was planted, the farm would have satisfied the eligibility criteria established to carry out section 1102 of this title for each of these crop years, excluding any crop year in which the acreage planted to an oilseed was zero.

2. Adjustment for Payment Yield.—The payment yield for a farm for an oilseed shall be equal to 85 percent of the following:

(A) The average yield for the oilseed determined under paragraph (1).

(B) The ratio resulting from dividing the national average yield for the oilseed for the 1981 through 1985 crop years by the national average yield for the oilseed for the 1998 through 2001 crop years.

SEC. 103. ESTABLISHMENT OF BASE ACRES AND PAYMENT ACRES FOR A FARM.

(a) ELECTION BY PRODUCERS OF BASE ACREAGE DETERMINATION METHOD.—For the purpose of making fixed, decoupled payments and counter-cyclical payments with respect to a farm, the Secretary shall give producers on the farm an opportunity to elect one of the following as the method by which the base acres of all covered commodities on the farm are to be determined:

1. The average yield of acreage actually planted on the farm to a covered commodity for harvest, grazing, hay, silage, or other similar purposes during crop years 1998 through 2001, and any acreage on the farm that the producers were prevented from planting during such crop years to the covered commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producer, as determined by the Secretary.

2. The contract acreage (as defined in section 277; 7 U.S.C. 1421 note), the Secretary shall determine to carry out section 1231 of the Food Security Act of 1985 (16 U.S.C. 3353) after considering the following:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3353) with respect to the farm expires or is voluntarily terminated.

(B) cropland is released from coverage under a conservation reserve contract by the Secretary under the Federal Agriculture Improvement Act of 1998 (16 U.S.C. 3830 et seq.)

(C) Any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing a covered commodity under section (a)(2) does not exceed the actual cropland acreage of the farm. The Secretary shall give the producers on the farm the opportunity to select the base acres or payment acres against which the reduction will be made.

2. OTHER ACREAGE.—For purposes of paragraphs (1) and (2), the Secretary shall include the following:

(A) Any peanut acres for the farm under chapter 3 of subtitle C.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3372 et seq.).

(C) Any acreage no longer in a contract for which payments are made in exchange for not producing an agricultural commodity on the farm.

(D) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

SEC. 104. AVAILABILITY OF FIXED, DECOUPLED PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2002 through 2011 crop years of each covered commodity, the Secretary shall make fixed, decoupled payments to eligible producers.

(b) PAYMENT RATE.—The payment rates used to make fixed, decoupled payments with respect to covered commodities for a crop year are as follows:

1. Wheat, $0.53 per bushel.

2. Corn, $0.30 per bushel.

3. Grain sorghum, $0.36 per bushel.

4. Barley, $0.25 per bushel.

5. Oats, $0.25 per bushel.

6. Upland cotton, $0.0667 per pound.

7. Rice, $2.05 per hundredweight.

8. Soybeans, $0.42 per bushel.

9. Other oilseeds, $0.0074 per pound.

(c) PAYMENT AMOUNT.—The amount of the fixed, decoupled payment made to the eligible producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

1. The payment rate specified in subsection (b).

2. The payment acres of the covered commodity for the farm.

3. The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—(1) GENERAL RULE.—Fixed, decoupled payments shall be paid not later than September 30 of each of fiscal years 2002 through 2011. In the case of the 2002 crop, payments may begin to be made on or after December 1, 2001.

(2) ADVANCE PAYMENTS.—At the option of an eligible producer, 50 percent of the fixed, decoupled payments to be made under this section (a), the target price for the commodity shall be paid on a date selected by the producer. The selected date shall be on or after December 1 of the fiscal year of payment, and the producer may not change the selected date for subsequent fiscal years by providing advance notice to the Secretary.

3. REPAYMENT OF ADVANCE PAYMENTS.—If a producer that receives an advance fixed, decoupled payment for a fiscal year ceases to be an eligible producer before the date the fixed, decoupled payment would otherwise have been made by the Secretary under paragraph (1), the producer shall be responsible for repaying the Secretary the full amount of the advance payment.

SEC. 105. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—The Secretary shall make counter-cyclical payments with respect to a covered commodity whenever the Secretary determines that the effective price for the commodity is less than the target price for the commodity.

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

1. The higher of the following:

(A) The national average market price received by producers during the 12-month period before the fiscal year of the commodity, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the same period under subtitle B.

2. The payment rate in effect for the covered commodity under section 104 for the payment year for which counter-cyclical payments are made with respect to the commodity.

(c) TARGET PRICE.—For purposes of subsection (a), the target prices for covered commodities are as follows:

1. Wheat, $4.04 per bushel.

2. Corn, $2.78 per bushel.

3. Grain sorghum, $1.92 per bushel.

4. Barley, $2.39 per bushel.

5. Oats, $1.47 per bushel.

6. Upland cotton, $0.736 per pound.

7. Rice, $10.82 per hundredweight.

8. Soybeans, $5.86 per bushel.

9. Other oilseeds, $0.1036 per pound.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between:

1. The target price for the commodity; and

2. The effective price determined under subsection (b) for the commodity.
(e) Payment Amount.—The amount of the counter-cyclical payment to be paid to the eligible producers on a farm for a covered commodity for a crop year shall be equal to the payment floor of the producer for:

(1) The payment rate specified in subsection (d);

(2) The payment acres of the covered commodity on the farm;

(3) The payment yield for the covered commodity for the farm.

(f) Time for Payments.—(1) Permitted Variance.—The Secretary shall make counter-cyclical payments under this section for a crop of a covered commodity as soon as possible after determining under subsection (a) that such payments are required for that crop year.

(2) Partial Payment.—The Secretary may permit, and, if so permitted, an eligible producer may elect to receive, up to 40 percent of the projected counter-cyclical payment, as determined by the Secretary, to be made under this section for a crop of a covered commodity upon completion of the first six months of the marketing year for that crop. The producer shall repay to the Secretary the amount which the partial payment exceeds the actual counter-cyclical payment to be made for that marketing year.

(g) Special Rule for Currently Undesignated Oilseed.—If the Secretary uses the authority under section 100(8) to designate another oilseed as an oilseed for which counter-cyclical payments may be made, the Secretary may modify the target price specified in subsection (c)(9) that would otherwise apply to that oilseed as the Secretary considers appropriate.

(h) Special Rule for Barley Used Only for Feed Purposes.—For purposes of calculating the effective price for barley under subsection (a), the Secretary shall use the loan rate in effect for barley under section 122(b)(3), except, in the case of producers who received the higher loan rate provided under such section for barley used only for feed purposes, the Secretary shall use that higher loan rate.

SEC. 106. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF FIXED, DECOUPL ED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) Compliance With Certain Requirements.—

(1) Requirements.—Before the producers on a farm may receive fixed, decoupled payments and counter-cyclical payments with respect to the farm, the producers shall agree, in exchange for the payments—

(A) to comply with applicable conservation requirements under title I of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(C) to comply with the planting flexibility requirements under section 107.

(2) Use of the Land on the Farm.—(A) In General.—The producers shall agree that the land on the farm, in an amount equal to the base acres, for an agricultural or conserving use, and not for a non-agricultural commercial or industrial use, as determined by the Secretary.

(B) Compliance.—The Secretary may issue such rules as the Secretary considers necessary to carry out subsection (a) and to ensure compliance with the requirements of paragraph (1).

(b) Effect of Foreclosure.—A producer may not be required to make repayments to the Secretary, decoupled payments, and counter-cyclical payments if the farm has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate, fair, and equitable relief to the foreclosure. This subsection shall not void the responsibilities of the producer under subsection (a) if the producer continues or resumes operation, or control, of the farm. On the resumption of operation or control over the farm by the producer, the requirements of subsection (a) that apply on the date of the foreclosure shall apply.

(c) Transfer or Change of Interest in Farm.—(1) Termination.—Except as provided in paragraph (4), a transfer of (or change in) the interest of a producer in base acres for which fixed, decoupled payments or counter-cyclical payments have been made in the determination of the payments with respect to the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a). The termination shall be effective on the date of the transfer or change.

(2) Transfer of Payment Base.—There is no restriction on the transfer of a farm’s base acres or payment yield as part of a change in the producers on the farm.

(3) Modification.—At the request of the transferee or owner, the Secretary may modify the requirements of subsection (a) if the modifications are consistent with the objectives of such subsection, as determined by the Secretary.

(4) Exception.—If a producer entitled to a fixed, decoupled payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary may make the payment, in accordance with regulations prescribed by the Secretary.

(d) Acreage Reports.—

(1) In General.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers to submit to the Secretary acreage reports.

(2) Conforming Amendment.—Section 15 of the Agricultural Marketing Act (12 U.S.C. 1131) is amended by adding paragraph (i) at the end:

(i) the quantity planted may not exceed the quantity planted under this act or any other provision of law, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(e) Review.—A determination of the Secretary under this section shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

SEC. 107. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subject to subsection (b), an eligible producer may plant a crop on the farm if the Secretary permits the planting of the following agricultural commodities:

(1) Fruits.

(2) Vegetables (other than lentils, mung beans, and dry peas).

(b) Wild rice.

(c) Exemptions.—(1) In General.—(A) The Secretary shall not limit the planting of an agricultural commodity specified in this paragraph—

(i) in any region in which there is a history of double-cropping of covered commodities under the Secretary’s approval; or

(ii) if the producer is commingled with covered commodities of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producer obtaining the loan agrees to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7296).

(B) The Secretary may issue such rules as the Secretary considers necessary to carry out this paragraph.

(b) Eligible Production.—Any production of a covered commodity on a farm shall be eligible for a marketing assistance loan under subsection (a).

(c) Treatment of Certain Commingled Commodities.—In carrying out this paragraph, the Secretary shall make loans to a producer that is otherwise eligible to obtain a marketing assistance loan, but for the fact that the producer’s commodity is commingled with covered commodities of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producer obtaining the loan agrees to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7296).

(d) Compliance With Conservation and Wetlands Requirements.—As a condition of eligibility for a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).
the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) DEFINITION OF EXTRA LONG STAPLE COTTON.—In this title, the term "extra long staple cotton" that—
(1) is produced from pure strain varieties of the Barbadosens species or any hybrid thereof,
or
(2) is ginned on a roller-type gin or, if authorized by the Secretary, on another type gin for experimental purposes.

(f) NO REPEATED SUPERSEDED LOAN AUTHORITY.—Notwithstanding section 131 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211), nonrecourse marketing assistance loans shall not be made for the 2002 crop of covered commodities under subtitle C of title I of such Act.

SEC. 122. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) WHEAT.—
(1) LOAN RATE.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for wheat shall be—
(A) not less than 85 percent of the simple average price received by producers of wheat determined by the Secretary, during the marketing years for the immediately preceding five crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but
(B) not more than $2.58 per bushel.

(2) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary determines that the ratio of ending stocks of wheat to total use for the marketing year will be—
(A) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;
(B) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year;
(C) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(b) FEED GRAINS.
(1) LOAN RATE FOR CORN AND GRAIN SORGHUM.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for corn and grain sorghum shall be—

(A) not less than 85 percent of the simple average price received by producers of corn or grain sorghum, respectively, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the covered commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but
(B) not more than $1.21 per bushel for oats.

(c) UPLAND COTTON.—
(1) LOAN RATE.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—
(A) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during three of the five calendar years ending July 31 of the year preceding the year in which cotton is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or
(B) 90 percent of the average of the 15-week period beginning July 1 of the year preceding the year in which the crop is planted, of the five lowest-priced growths of the growths quoted for Middling 13 U.S. C.P. cotton, as determined by the Secretary; or
(C) 90 percent of the average price of cotton, designated by the Secretary, having the Barbadense species and any hybrid thereof, a rate that is the lesser of—
(1) not less than 85 percent of the simple average price received by producers of other oilseeds, as determined by the Secretary, during the marketing years for the immediately preceding five crops of soybean, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; and
(2) not more than $0.5192 per pound.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.

(1) IN GENERAL.—The loan rate for a marketing assistance loan under section 121 for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is the lesser of—
(A) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during three of the five calendar years ending July 31 of the year preceding the year in which cotton is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or
(B) 90 percent of the average of the 15-week period beginning July 1 of the year preceding the year in which the crop is planted, of the five lowest-priced growths of the growths quoted for Middling 13 U.S. C.P. cotton, as determined by the Secretary; or
(c) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any covered commodity.

SEC. 124. REPAYMENT OF LOANS.

(a) REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.—The Secretary shall determine, excluding the year in which a marketing assistance loan under section 121 for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—
(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or
(2) a rate that the Secretary determines will—
(A) minimize potential loan forfeitures;
(B) minimize the accumulation of stocks of the commodity by the Federal Government;
(C) minimize the cost incurred by the Federal Government in storing the commodity; and
(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(b) REPAYMENT RATES FOR UPLAND COTTON AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 121 for upland cotton and rice at the rate that is the lesser of—
(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or
(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 127, the Secretary shall prescribe by regulation—
(1) a formula to determine the prevailing world market price for each covered commodity, adjusted to United States quality and location; and
(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each covered commodity.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—
(1) IN GENERAL.—During the period beginning the date of the enactment of this Act and ending July 31, 2012, the prevailing world market price for upland cotton (adjusted to
United States quality and location) established under subsection (d) shall be further adjusted if—
(A) the adjusted prevailing world market price for 118-percent of the adjusted price for raw cotton established under section 122, as determined by the Secretary; and
(B) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1%-%/16-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price for the lowest-priced United States growth, as quoted for Middling (M) 1%-%/16-inch cotton delivered C.I.F. Northern Europe (referred to in this section as the ‘‘prevailing world price’’).

(2) FURTHER ADJUSTMENT.—Except as provided in paragraph (3), the adjusted prevailing world market price for raw cotton shall be further adjusted on the basis of some or all of the following data, as available:

(A) The United States share of world exports,
(B) The current level of cotton export sales and cotton export shipments,
(C) Other data determined by the Secretary to be relevant in establishing an accurate world cotton market price for raw cotton (adjusted to United States quality and location).

(3) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under paragraph (2) may not exceed the difference between—
(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling (M) 1%-%/16-inch cotton delivered C.I.F. Northern Europe; and
(B) the Northern Europe price.

(4) SPECIAL IMPORT QUOTA.–In the case of a producer that marketed or otherwise lost beneficial interest in a covered commodity before repaying the marketing assistance loan made under section 121 with respect to the commodity, the Secretary shall permit the producer to repay the loan at the lowest repayment rate that was in effect for that covered commodity under this section as of the date that the producer lost beneficial interest, as determined by the Secretary.

SEC. 125. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan made under section 121 with respect to a covered commodity, agree to forgo obtaining the loan to preserve the commodity in return for payments under this section.

(b) COMPUTATION.—A loan deficiency payment under this section shall be computed by multiplying—

(1) the loan rate determined under section 121 by
(2) the quantity of the covered commodity produced by the eligible producers, excluding any quantity for which the producers obtain a loan under this subsection.

(c) PAYMENT RATE.—For purposes of this section, the loan payment rate shall be the amount by which—

(1) the loan rate established under section 121 for the covered commodity exceeds
(2) the rate at which a loan for the commodity may be repaid under section 124.

(d) EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) ELIGIBLE PRODUCERS.—The Secretary shall make a payment under this section to a producer with respect to a quantity of a covered commodity as of the earlier of the following:

(1) the date on which the producer marketed or otherwise lost beneficial interest in the commodity, as determined by the Secretary;
(2) the date the producer requests the payment.

(f) CONTINUATION OF SPECIAL LDP RULE FOR 2001 CROP YEAR.–Section 135(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7239(a)(2)) is amended by striking ‘‘2000’’ and inserting ‘‘2000 and 2001 crop years’’.

SEC. 126. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—Effective for the 2002 through 2011 crop years, in the case of a producer that elects for loan deficiency payment under section 125 with respect to the commodity, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any further harvesting of the wheat, barley, or oats on that acreage.

(b) PAYMENT AMOUNT.—The amount of a payment made to a producer on a farm under this section shall be equal to the amount determined by multiplying—

(1) the loan deficiency payment rate determined under subsection (a), as of the date of the agreement, by
(2) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and
(3) the payment yield for that covered commodity on the farm.

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 125.

(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—A 2002 through 2011 crop of wheat, barley, or oats planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for crop insurance or the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7339).

SEC. 127. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) COTTON USER MARKETING CERTIFICATES.—

(1) ISSUANCE.—During the period beginning on the date of the enactment of this Act and ending July 31, 2012, the Secretary shall issue marketing certificates or cash payments available to producers who, at the option of the recipient, to domestic users and exporters for documented purchases by domestic users and sales for export by exporters, following a consecutive four-week period in which—

(A) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1%-%/16-inch cotton delivered C.I.F. Northern Europe is less than the Northern Europe price by more than 1.25 cents per pound; and

(B) the market price for raw cotton (adjusted to United States quality and location) does not exceed 134 percent of the loan rate for upland cotton established under section 122.

(2) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the fourth week of the consecutive four-week period multiplier the quantity of raw cotton included in the documented sales.

(3) ADMINISTRATION OF MARKETING CERTIFICATES.—

(A) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates by owners who, in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this section.

(b) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities, including storage sites, the owners would prefer to receive in exchange for certificates.

(c) TRANSFERS.—Marketing certificates issued under this section shall be transferable, and the use of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(b) SPECIAL IMPORT QUOTA.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of the enactment of this Act and ending July 31, 2012, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Except as provided in paragraph (C), whenever the Secretary determines and announces for an import quota for a crop year and the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1%-%/16-inch cotton, delivered C.I.F. Northern Europe, is not less than a value per unit of 1.25 cents per pound for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (D), shall not consider the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1%-%/16-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

(d) SEASON-ENDING UNITED STATES STOCKS—TIME.–For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States certified raw cotton stocks including projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.

(2) QUANTITY.—The quota shall be equal to one week’s consumption of upland cotton by
domestic mills at the seasonally adjusted average rate of the most recent three months for which data are available.

(3) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary’s announcement under paragraph (1) and entered into the United States not later than 180 days after the date.

(4) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (1), except that a quota period may not be established under this subsection if a quota period has been established under subsection (a) or paragraph (B) of section 204 of the Andean Trade Preference Act (19 U.S.C. 2702(n)); or a special quota period established under paragraph (1) and entered under the preceding six marketing years; or

(5) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 2702(n));

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2436(d)); and

(D) General Note 3a(iv) to the Harmonized Tariff Schedule.

(6) DEFINITION.—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of five week’s consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the three months immediately preceding the first special import quota established in any marketing year.

SEC. 128. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVE PROVISIONS.—Notwithstanding any provision of law, during the period beginning on the date of the enactment of this Act and ending on July 31, 2012, the Secretary shall—

(1) in general.—The President shall carry out a program to make payments available under this section whenever—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term “demand” means—

(A) the seasonally adjusted annual rate of domestic mill consumption during the most recent three months for which data are available; and

(B) the following:

(aa) average exports of upland cotton during the preceding six marketing years; or

(bb) cumulative exports of upland cotton plus outstanding for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(iv) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(b) NO OVERLAP.—(1) A quota period may not be established that overlaps any existing quota period or a special quota period established under subsection (a).

(2) No overlapping paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) PREFERENTIAL TARIFF TREATMENT.—A quota period established by the Secretary shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 2702(n));

(C) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 561 et seq.); or a special quota period established under paragraph (1) and entered under the preceding six marketing years for which data are available.

(d) PREFERENCE.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.

SEC. 129. AVAILABILITY OF RECURSUE LOANS FOR HIGH MILK AND GRAIN FEED GRAINS AND SEED COTTON AND OTHER FIBERS.

(a) HIGH MILK FEED GRAINS.—For each of the 2002 through 2011 crops of corn and grain sorghum, the Secretary shall make available recourse feed grains, as determined by the Secretary, to producers of—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state; and

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets or other physical measurements cannot be obtained within a reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity was placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture feed facility, and that the standing or stored crop in regions of the United States, as determined by the Secretary, pursuant to regulations issued by the Secretary; or

(d) FIELD OR HIGH MILK GRAIN FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer’s farm by

(B) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was harvested.

(c) HIGH MILK STATE DEFINED.—In this subsection, the term “high milk state” means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 512.

(b) RECURSUE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2002 through 2011 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) RECURSUE LOANS AVAILABLE FOR SEED COTTON.—Payments under this section shall be at the rate loan made under this section shall be at the rate loan established for the commodity by the Secretary, plus interest (as determined by the Secretary) pursuant to regulations established by the Secretary, pursuant to regulations issued by the Secretary; or

(d) TERMINATION OF SUPERSEDED LOAN AUTHORITY.—Notwithstanding section 137 of the Agricultural Adjustment and Re- form Act of 1996 (7 U.S.C. 7237), recourse loans shall not be made for the 2002 crop of corn, grain sorghum, and seed cotton under this subsection.

SEC. 130. AVAILABILITY OF NONRECURSUE MARKETING ASSISTANCE LOANS FOR WOOL AND MOHAIR.

(a) NONRECURSUE LOANS AVAILABLE.—During the 2002 through 2011 marketing years for wool and mohair, the Secretary shall make...
available to producers on a farm nonrecourse marketing assistance loans for wool and mohair produced on the farm during that marketing year.

(b) Loan Rate.—The loan rate for a loan under subsection (a) shall be not more than—

(1) $1.00 per pound for graded wool;
(2) $0.40 per pound for nongraded wool; and
(3) $0.30 per pound for mohair.

(c) Term of Loan.—A loan under subsection (a) shall have a term of one year beginning on the first day of the first month after the month in which the loan is made.

(d) Repayment Rates.—The Secretary shall permit a producer to repay a marketing assistance loan for honey under subsection (a) at a rate that is the lesser of—

(1) the loan rate for honey, plus interest (as determined by the Secretary); or
(2) the prevailing domestic market price for honey, as determined by the Secretary.

(e) Loan Payment Rate.—

(1) Availability.—The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan rate payment determined under paragraph (a) by the quantity of the commodity produced in the same crop year.

(f) Limitations.—The marketing assistance loan gains and loan deficiency payments that a person may receive for a crop of honey under this section shall be subject to a separate payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loan payments and loan deficiency payments received by producers of other agricultural commodities in the same marketing year.

SEC. 131. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR HONEY.

(a) Nonrecourse Loans Available.—During the 2002 through 2011 crop years for honey, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for honey produced on the farm during that crop year.

(b) Loan Rate.—The loan rate for a marketing assistance loan for honey under subsection (a) shall be equal to $0.60 cents per pound.

(c) Term of Loan.—A marketing assistance loan under subsection (a) shall have a term of one year beginning on the first day of the first month after the month in which the loan is made.

(d) Repayment Rates.—The Secretary shall permit a producer to repay a marketing assistance loan for honey under subsection (a) at a rate that is the lesser of—

(1) the loan rate for honey, plus interest (as determined by the Secretary); or
(2) the prevailing domestic market price for honey, as determined by the Secretary.

(e) Loan Payment Rate.—

(1) Availability.—The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan rate payment determined under paragraph (a) by the quantity of the commodity produced in the same crop year.

(f) Limitations.—The marketing assistance loan gains and loan deficiency payments that a person may receive for a crop of honey under this section shall be subject to a separate payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loan payments and loan deficiency payments received by producers of other agricultural commodities in the same marketing year.

SEC. 131. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR HONEY.

(a) Nonrecourse Loans Available.—During the 2002 through 2011 crop years for honey, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for honey produced on the farm during that crop year.

(b) Loan Rate.—The loan rate for a marketing assistance loan for honey under subsection (a) shall be equal to $0.60 cents per pound.

(c) Term of Loan.—A marketing assistance loan under subsection (a) shall have a term of one year beginning on the first day of the first month after the month in which the loan is made.

(d) Repayment Rates.—The Secretary shall permit a producer to repay a marketing assistance loan for honey under subsection (a) at a rate that is the lesser of—

(1) the loan rate for honey, plus interest (as determined by the Secretary); or
(2) the prevailing domestic market price for honey, as determined by the Secretary.

(e) Loan Payment Rate.—

(1) Availability.—The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan rate payment determined under paragraph (a) by the quantity of the commodity produced in the same crop year.

(f) Limitations.—The marketing assistance loan gains and loan deficiency payments that a person may receive for a crop of honey under this section shall be subject to a separate payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loan payments and loan deficiency payments received by producers of other agricultural commodities in the same marketing year.

Title C—Other Commodities

CHAPTER 1—DAIRY

SEC. 141. MILK PRICE SUPPORT PROGRAM.

(a) Support Activities.—During the period beginning on January 1, 2002, and ending on December 31, 2011, the Secretary of Agriculture shall support the price of milk produced in the 48 contiguous States through the purchase of cheese, butter, and nonfat dry milk produced from milk.

(b) Rate.—During the period specified in subsection (a), the price of milk shall be supported at a rate equal to $9.90 per hundredweight for milk containing 3.67 percent butterfat.

(c) Purchase Prices.—The support purchase prices under this section for each of the purchase prices (butter, cheese, and nonfat dry milk) announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary; and shall be sufficient to enable plants of average efficiency to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) Special Rule for Butter and Nonfat Dry Milk Purchase Prices.

(E) Allocation of Purchase Prices.—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will regard the lowest interest rates charged by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. Not later than 10 days after making an allocation, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this section.

(f) Timing of Purchase Price Adjustments.—The Secretary may make any such adjustments in the purchase prices for nonfat dry milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(g) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

SEC. 142. REPEAL OF RECOURSE LOAN PROGRAM FOR PROCESSORS.

Section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7252) is repealed.

SEC. 143. EXTENSION OF DAIRY EXPORT INCENTIVE AND DAIRY INDEMNITY PROGRAMS.

(a) Dairy Export Incentive Program.—

Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)) is amended by striking “2002” and inserting “2003”.

(b) Dairy Indemnity Program.—

Section 3 of Public Law 90-484 (7 U.S.C. 450) is amended by striking “1995” and inserting “2011”.

SEC. 144. FLUID MILK PROMOTION.

(a) Definition of Fluid Milk Product.—

Section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402) is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) FLUID MILK PRODUCT.—The term ‘fluid milk product’ has the meaning given such term in section 1000.15 of title 7, Code of Federal Regulations, subject to such amendments as may be made from time to time; or

“(B) in any successor regulation providing a definition of such term as determined pursuant to the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1957.”.

(b) Definition of Fluid Milk Processor.—

Section 1999C(4) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended by striking “500,000” and inserting “1,000,000”.

(c) Elimination of Order Termination Date.—

Section 19990 of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 145. DAIRY PRODUCT MANDATORY REPORTING.

Section 273(b)(1)(B) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1673(b)(1)(B)) is amended—

(1) by inserting “and substantially identical products designated by the Secretary” after “dairy products” the first place it appears; and

(2) by inserting “and such substantially identical products” after “dairy products” the second place it appears.
CHAPTER 2—SUGAR

SEC. 151. SUGAR PROGRAM.
(a) Continuation of Program.—Subsection (i) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended—
(1) by striking “and insertions.” after “(f);”
(2) by designating the first through fifth paragraphs as paragraphs (1) through (5), respectively, and indenting the paragraphs appropriately;
(3) by adding at the end the following:
(C) RATE.—The rate of assessment on imported sugar shall be determined in the same manner as the rate of assessment per hundredweight of raw cane sugar or refined beet sugar, depending on the source material for in-process sugars and syrups derived from such crops. The rate shall be equal to 75 percent of the loan rate applicable to raw cane sugar or refined beet sugar, whichever applies, and the loan rate the processor received under paragraph (1).
(d) Loan Conversion.—If the processor does not forfeit the collateral as described in paragraph (2), but in-process sugars and syrups are not processed into raw cane sugar or reified beet sugar and are otherwise eligible for loans under subsection (a) or (b), the Secretary may issue such instructions under subsection (a) or on the raw cane sugar or refined beet sugar, as appropriate.
(e) Administration of Program.—Such section is further amended by adding at the end the following new subsection:
(A) Avoiding Foreclosures; Commodity Inventory Disposition.—
(1) No cost.—To the maximum extent practicable, the Secretary shall operate the sugar program established by subsection (a) at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

H6196
CONGRESSIONAL RECORD—HOUSE
October 3, 2001

SEC. 146. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.
(a) Definitions.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—
(1) in subsection (k), by striking “and” at the end;
(2) in subsection (l), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following:
(n) the term `importer' means a person that imports an imported dairy product into the United States;
and
(o) the term `Customs' means the United States Customs Service.

(b) Representation of Importers on Board.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)(b)) is amended—
(1) by inserting “NATIONAL DAIRY PROMOTION AND RESEARCH BOARD,” after “(b);”
(2) by designating the first through ninth paragraphs as paragraphs (1) through (9), respectively, and indenting the paragraphs appropriately;
(3) in paragraph (2) (as so designated), by striking “Members” and inserting “Except as provided in paragraph (6), the members;” and
(4) by inserting after paragraph (5) (as so designated) the following:
(6) Importers.—
(A) Addition of Importers.—The Secretary shall appoint not more than 2 members who represent importers of dairy products and are subject to assessments under the order, to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary’s determination of the average volume of domestic production of dairy products proportionate to the average volume of imports of dairy products into the United States over the previous three years.
(B) Members; Nominations.—The members appointed under this paragraph—
(i) shall be in addition to the total number of members appointed under paragraph (2); and
(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.

(c) Importer Assessment.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—
(1) by inserting “ASSESSMENTS.” after “(g);”
(2) by designating the first through fifth paragraphs as paragraphs (1) through (5), respectively, and indenting the paragraphs appropriately; and
(3) by adding at the end the following:
(6) Importers.—
(A) In General.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.
(B) Time for Payment.—The assessment on imported dairy products shall be paid by the importer to Customs at the time of the entry of the products into the United States and shall be remitted by Customs to the Board. For purposes of this subparagraph, entry of the products into the United States shall be deemed to have occurred when the products are released from custody of Customs and introduced into the stream of commerce within the United States. Importers include persons who hold title to foreign-produced dairy products immediately upon release by Customs, as well as persons who act to secure the release of dairy products from Customs, and the introduction of the released dairy products into the stream of commerce within the United States.

(d) Records.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)(b)) is amended in the first sentence by striking “person receiving” and inserting “importer of imported dairy products, each person receiving”.

(e) Importer Eligibility To Vote in Referendum.—Section 116(b) of the Dairy Promotion and Stabilization Act of 1983 (7 U.S.C. 4507(b)) is amended—
(1) in the first sentence—
(A) by inserting after “members” the following: “and importers;” and
(B) by inserting after “the producers” the following: “and importers;” and
(2) in the second sentence, by inserting after “commercial use” the following: “importers voting in the referendum (who have been engaged in the importation of dairy products during the same representative period, as determined by the Secretary)”.  

(f) Conforming Amendments To Reflect Addition of Importers.—Section 116(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4507(b)) is amended—
(1) in the first sentence—
(A) by inserting after “commercial use” the following: “and imported dairy products”; and
(B) by striking “products produced in the United States” and inserting “imported dairy products”; and
(2) in the second sentence, by inserting after “produce milk” the following: “or the right of any person to import dairy products”.

CHAPTER 2—SUGAR

SEC. 151. SUGAR PROGRAM.
(a) Continuation of Program.—Subsection (i) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended—
(1) by striking “(other than subsection (f));” and
(2) by striking “2002 crops” and inserting “2003 crops.”

(b) Termination of Marketing Assessment.—Effective as of October 1, 2001, subsection (f) of such section is repealed.

(c) Loan Rate Adjustments.—Subsection (c) of such section is amended—
(1) by striking “REDUCTION IN LOAN RATES” and inserting “Loan Rate Adjustments”;
and
(2) in paragraph (1)—
(A) by striking “REDUCTION REQUIRED” and inserting “‘Possible Reduction’”; and
(B) by striking “shall” and inserting “may”.

(d) Notification.—Subsection (e) of such section is amended by adding at the end the following new paragraphs:
(3) Prevention of onerous notification requirements.—The Secretary may not impose or enforce any prenotification or similar administrative requirement that has the effect of preventing a processor from choosing to forfeit the loan collateral upon the failure of the loan.

(e) In Process Sugar.—Such section is further amended by inserting after subsection (a) the following new subsection (b):  
(1) Availability; Rate.—The Secretary shall make nonreserve loans available to processors of domestically grown sugar cane or sugar beets for in-process sugars and syrups derived from such crops. The loan rate shall be equal to 75 percent of the loan rate applicable to raw cane sugar or refined beet sugar, whichever applies, and the loan rate the processor received under paragraph (1).

(2) Further Processing Upon Forfeiture.—As a condition on the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (1), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under paragraph (b). Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar or beet to the lender and shall make a payment to the processor in an amount equal to the difference between the loan rate for raw cane sugar or refined beet sugar, whichever applies, and the loan rate the processor received under paragraph (1).

(3) Loan Conversion.—If the processor does not forfeit the collateral as described in paragraph (2), but in-process sugars and syrups are not processed into raw cane sugar or refined beet sugar and are otherwise eligible for loans under subsection (a) or (b), the Secretary may issue such instructions under subsection (a) or (b) on the raw cane sugar or refined beet sugar, as appropriate.

(f) Administration of Program.—Such section is further amended by adding at the end the following new subsection:
(A) Avoiding Foreclosures; Corporation Inventory Disposition.—
(1) No cost.—To the maximum extent practicable, the Secretary shall operate the sugar program established by subsection (a) at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

(2) Information Subsection.—In support of the objective specified in paragraph (1), the Commodity Credit Corporation may accept bids for commodities in the inventory of the Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugar cane and processors of sugar beets (when the processors are acting in conjunction with the producers of the sugarcane or sugar beets processed by such processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

The authority provided under this paragraph is in addition to any authority of the Corporation under any other law.

(3) orbination of Programs.—Section 114 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)(b)) is amended—
(1) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
(2) by inserting after paragraph (3) the following new paragraphs:
(4) Loan Conversion.—If the processor does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished products that are otherwise eligible for loans under subsection (a) or (b).
“(A) PROPORTIONATE SHARE STATES.—The Secretary shall require a producer of sugarcane located in a State (other than Puerto Rico) in which there are in excess of 250 sugarcane acres planted with sugarcane, as determined by the Secretary, to report, in the manner prescribed by the Secretary, the quantities of such products imported and the sugar content or equivalent of such products, respectively.

(B) OTHER STATES.—The Secretary may require producers of sugarcane or sugar beets not covered by paragraph (1) to report, in the manner prescribed by the Secretary, such quantities of sugar or sugar beets produced, as determined by the Secretary, as are consistent with the quantities of tariff-rate quotas that are at the lower rate of duties, to report, in the manner prescribed by the Secretary, the quantities of such products imported and the sugar content or equivalent of such products, respectively.

(D) DUTY OF IMPORTERS TO REPORT.—The Secretary shall require a producer of sugar and sugar beets imported for reasonable carryover stocks; sugar, syrups or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption, except such sugars, syrups, or molasses that are with the amounts that are at the average of the 2 highest years of production of refined or re-exported in refined form or in sugar containing products.

The Secretary may—

(i) past marketings of sugar, based on the average of the 2 highest years of production of each year shall be allotted among such paragraph appropriately;

(ii) the ability of processors to market the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

(iii) past processings of sugar from sugar cane produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

(A) COLLECTIVELY.—Prior to the allotment of sugar derived from sugarcane to any other State, 325,000 short tons, raw value shall be allotted to the sugar produced in the Offshore States.

(B) INDIVIDUALLY.—The collective off-shore State allotment provided for under subparagraph (A) shall be further allotted to the Offshore States in which sugar cane is produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner.

(2) EXCLUSION.—For purposes of this section, raw cane sugar, refined beet sugar, and in process sugar eligible for a loan under section 156 shall not be considered an agricultural commodity.

SECT. 152. REAUTHORIZE PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938 REGARDING SUGAR.

(a) INFORMATION REPORTING.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(b)) is amended:

(i) in the section heading—

(A) by inserting “FLEXIBLE” before “MARKETING”;

(B) by striking “AND CRYSTALLINE FRUCTOSE”; and

(ii) in subsection (a)—

(A) in paragraph (1)—

(1) by striking “Before” and inserting “Not later than 1998”;

(2) by striking “1992 through 1998” and inserting “2002 through 2011”;

(3) in subparagraph (A), by striking “(other than sugar)”; and

(4) by striking “after” and inserting “before”;

(B) in paragraph (2), by striking “–after” and inserting “–before”;

(C) in subparagraph (B), by striking “(other than sugar)”; and

(D) in subparagraph (C), by striking “(other than sugar)”.

(v) by inserting after subparagraph (A) the following:

(B) the quantity of sugar that would provide for the loan of producers of raw cane sugar;

(vi) in subparagraph (C), as so redesignated—

(I) by striking “or” and all that follows through “sufficient;”;

(II) by striking “and follow” and inserting “for”; and

(III) by inserting “to” after “30%”;

(vii) by inserting after subparagraph (C), as so redesignated, the following:

“(D) the quantity of sugar that will be available from the domestic processing of sugarcane and sugar beets; and”; and

(viii) in subparagraph (E), as so redesignated—

(I) by striking “quantity of sugar” and inserting “quantity of sugars, syrups, and molasses”;

(II) by striking “sugar and” and inserting “sugar,;” and

(III) by inserting “through” for the first place it appears;

(III) by inserting after “consumption” the place it appears the following: “or to be used for the extraction of sugar for human consumption”;

(IV) by striking “year” and inserting “year, whether such articles are under a tariff-rate quota or in excess or outside of a tariff rate quota”; and

(V) by striking “sugar greater than” and all that follows through “in-crown stocks”;’’;

(b) INTEREST RATE.—Section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7102) is amended by adding at the end the following new sentence: “For purposes of this section, raw cane sugar, refined beet sugar, and in process sugar eligible for a loan under section 156 shall not be considered an agricultural commodity.”;

(2) FILLING CANE SUGAR ALLOTMENTS.—

(A) FILLING SUGAR ALLOTMENTS.—

(i) past marketings of sugar, based on the average of the 2 highest years of production of each fiscal year shall be allotted among such paragraph appropriately;

(ii) the ability of processors to market the average of the 2 highest years of production of each fiscal year shall be allotted among such paragraph appropriately;

(iii) past processings of sugar from sugar cane produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

(A) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

(B) the ability of processors to market the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

(C) past processings of sugar from sugar cane produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner.

(D) MAINLAND ALLOTMENT.—The allotment for sugar derived from sugarcane, less the amount provided for under paragraph (2), shall be allotted among the mainland States and the United States possessions that are States.

(E) OFFSHORE ALLOTMENT.—The allotment for sugar derived from sugarcane, less the amount provided for under paragraph (2), shall be allotted among the mainland States and the United States possessions that are States;

(f) MARKETING ALLOTMENTS FOR SUGAR DERIVED FROM SUGAR BEETS AND MARKETING ALLOTMENT FOR SUGAR DERIVED FROM SUGAR CANE.—The overall allotment quantity for the fiscal year shall be allotted among—

(B) sugar derived from sugar beets by establishing a marketing allotment for a fiscal year at a quantity equal to the product of the overall allotment quantity for the fiscal year by the percentage of 64.35; and

(C) sugar derived from sugarcane by establishing a marketing allotment for a fiscal year at a quantity equal to the product of the overall allotment quantity for the fiscal year by the percentage of 45.65;’’;

(g) by amending subsection (d) to read as follows:

(d) FILLING SUGAR ALLOTMENTS.—Except as otherwise provided in section 359e, a State cane sugar allotment established under this subsection (A) for any fiscal year may only be filled with sugar processed from sugar cane grown in the State covered by the allotment.”;

(iii) by striking “on” and inserting “at”;

(j) by amending subsection (g) to read as follows:

(B) FILLING SUGAR ALLOTMENTS.—Except as otherwise provided in section 359e, a State cane sugar allotment established under this subsection (A) for any fiscal year may only be filled with sugar processed from sugar cane grown in the State covered by the allotment.”;

(k) by amending subsection (h) to read as follows:

(H) INTEREST RATE.

(i) in paragraph (1)—

(A) by striking paragraph (1)(A), by striking paragraph (1)(B), by striking paragraph (1)(C), by striking paragraph (1)(D), by striking paragraph (1)(E), and by striking paragraph (1)(F); and

(B) by redesigning paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

(2) the ability of processors to market the average of the 2 highest years of production of each fiscal year shall be allotted among such paragraph appropriately;

(2) the ability of processors to market the average of the 2 highest years of production of each fiscal year shall be allotted among such paragraph appropriately;

(3) by striking “the” and inserting “the”; and

(ii) by striking after “sugar is produced” the following: “after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner.”;

(iii) by striking “on” and inserting “at”;

(iv) by amending paragraph (1) to read as follows:

(1) by striking paragraphs (A) through (G) and inserting the following new paragraphs:

(A) in paragraph (1), by striking paragraph (1)(A), by striking paragraph (1)(B), by striking paragraphs (1)(C) and (1)(D), and by redesigning paragraphs (1)(E) through (1)(G);

(B) in paragraph (2), by striking “of” and inserting “flexible”;

(C) in paragraph (3), as so redesignated—

(A) by striking “MARKETING ALLOTMENTS FOR SUGAR DERIVED FROM SUGAR BEETS AND MARKETING ALLOTMENT FOR SUGAR DERIVED FROM SUGAR CANE.—The overall allotment quantity for the fiscal year shall be allotted among—

(B) sugar derived from sugar beets by establishing a marketing allotment for a fiscal year at a quantity equal to the product of the overall allotment quantity for the fiscal year by the percentage of 64.35; and

(C) sugar derived from sugarcane by establishing a marketing allotment for a fiscal year at a quantity equal to the product of the overall allotment quantity for the fiscal year by the percentage of 45.65;’’;

(k) by amending subsection (d) to read as follows:

(d) FILLING SUGAR ALLOTMENTS.—Each marketing allotment for sugar derived from sugar beets may only be filled with sugar processed from domestically grown sugar cane, and each marketing allotment for beet sugar established under this section may only be filled with sugar domestically processed from sugar beets.”;
(B) in paragraph (2) by striking “359f(b)” and inserting “359f(c)” and inserting “359f(c)”;
(C) in paragraph (3)—
(i) by striking “REDUCTIONS” and inserting “CARRYOVERS”;
(ii) by inserting after “this subsection, if the following: “at the time of the reduction”;
(iii) by striking “price support” and inserting “nonrecourse”;
(iv) by striking “206” and all that follows through “the allotment” and inserting “156 of the Agricultural Market Transition Act (7 U.S.C. 7272)”;
(v) by striking “. . . ; and”;
(vi) by amending subsection (b) to read as follows:
“(h) SUSPENSION OF ALLOTMENTS.—Whenever the Secretary estimates, or reestimates, under section 359fa, or has reason to believe that imports of sugars, syrups or molasses for human consumption or to be used for the extraction of sugar for human consumption, whether under a tariff-rate quota or in excess of or outside of a tariff-rate quota, will exceed 1,532 million short tons, raw value equivalent, and that such imports would lead to a reduction of the overall allotment, the Secretary shall suspend the marketing allotments until such time as such imports have been restricted, eliminated, or otherwise reduced to or below the level of 1,532 million tons.
(d) ALLOCATION.—Section 359d of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1339dd) is amended—
(1) in subsection (a)(2)(A)—
(A) by inserting “in general” before “the Secretary shall” and indenting such clause appropriately;
(B) by striking “as so designated”;
(C) by striking “interested parties” and inserting “the affected sugar cane processors and growers”; and
(D) by striking “by taking” and all that follows through “allocation” and inserting “with this subparagraph.”;
(2) by inserting at the end of the following new subsection: “Each such allocation shall be subject to adjustment under section 359fc.”;
(C) by inserting after clause (1) the following new clause:
“(II) multiple processor states.—Except as otherwise provided in clause (iii), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single State based upon—
(I) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from among the 1996 through 2000 crops;
(II) the ability of processors to market sugar covered by that portion of the allotments allocated for the crop year; and
(III) past marketings of sugar from cane, based on the average of the two highest crop years from the five crop years from 1997 through 2001 crops; and
“(II) the ability of processors to market sugar covered by that portion of the allotments allocated for the crop year; and
“(III) past marketings of sugar from cane, based on the average of the two highest crop years from the five crop years from 1997 through 2001;
(iv) NEW EXTRANTS.—Notwithstanding clause (iii), the Secretary, on application of any processor that begins processing sugarcane on or after the date of enactment of this clause, and after a hearing if required, shall allocate such an allotment which provides a fair, efficient and equitable distribution of the allocations from the allotment for the State in which the processor is located, in the case of proportionate share States, shall establish proportionate shares in an amount sufficient to produce the sugarcane required to satisfy such allocations. However, the allotment for a new processor under this clause shall not exceed 50,000 short tons, raw value.
(v) TRANSFER OF OWNERSHIP.—Except as otherwise provided in section 359f(c), in the event that a sugarcane processor is sold or otherwise transferred to another owner, or closed as part of an affiliated corporate group, the Secretary shall transfer the allotment allocation to the processor for the crop year, or new owner, as applicable, of the processor.
(2) in subsection (a)(2)—
(A) by striking “interested parties” and inserting “the affected sugar beet processors and growers”; and
(B) by striking “processing capacity” and all that follows through “allocation” and inserting “the two highest of the three (3)
(3) by inserting after paragraph (1) the following new subsection:
“(C) by inserting after paragraph (7) the following new subsection:
“(B) the Secretary may increase the allotment for the crop year from the five crop years from the five crop years from 1999, 2000, and 2001.”;
(b) SUGAR BEET PROCESSING FACILITY CLOSURES.—In the event that a sugarcane processing facility is closed and the sugar beet growers who previously delivered beets to such facility desire to deliver their beets to another processing company—
“(1) Such growers may petition the Secretary for new existing allocations to accommodate such transition;
“(2) the Secretary may increase the allocation to the sugar beet growers who previously delivered beets; and
“(3) Such increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation will be unaffected.
“(4) The Secretary’s determination on the issues raised by the petition shall be made within 60 days of the filing of the petition.”;
(C) by inserting after paragraph (7) the following new subsection:
“(B) the Secretary shall provide for the new processor to which the allotment shall be transferred and who procures sugarcane from such facility to deliver their beets to another processing company—
“(1) Such growers may petition the Secretary to modify existing allocations to accommodate such a transition;
“(2) the Secretary may increase the allocation to the new processor to which the growers desire to deliver the sugarcane, and which the processing company agrees to accept, not to exceed its processing capacity, to accommodate the new deliveries;
“(C) such increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation will be unaffected; and
“(D) the Secretary’s determination on the issues raised by the petition shall be made within 60 days of the filing of the petition.”;
(g) CONFORMING AMENDMENTS.—(1) The heading of part VII of subtitle B of Title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1356a et seq.) is amended to read as follows:
“PART VII—FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.”
(2) Section 359f of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1339ff) is amended—
(A) by striking “U.S.C. 7272),” and inserting “U.S.C. 7272),”;
(B) by striking “section 359f(c)”; and
(C) in subsection (c), by inserting "or adjusted" after "share established". 
(3) Section 359(c) of the Agricultural Ad-
justment Act of 1938 (7 U.S.C. 1359j) is ame-
nded—
(A) by amending the subsection heading to read as follows: "DEFINITIONS.—";
(B) by striking "Notwithstanding" and in-
serting the following in lieu thereof: "(1) UNITED STATES and STATE.—Notwith-
sanding;" and
(C) by inserting after such paragraph (1) the follow-
ing paragraph:
"(2) OFFSHORE STATES.—For purposes of this part, the term 'offshore States' means the sugarcane producing States located out-
side of the United States."

(b) LIFTING OF SUSPENSION.—Section 171(a)(1)(E) of the Federal Agriculture Im-
provement and Reform Act of 1996 (7 U.S.C. 7381(a)(1)(E)) is amended by inserting before the period at the end the following: 
". . . only with respect to sugar marketings through fiscal year 2002.

(c) EFFECTIVE DATE.—The amendments made by this section shall be ineffective on October 3, 2001.

(5) PEANUT PRODUCER.—The term "peanut producer" means a person that is a sharecropper who has sold peanuts to the Secretary for marketing purposes.

(6) PEANUT ACRE.—The term "peanut acre" means the number of acres assigned
to a particular farm by historic peanut pro-
ducers pursuant to section 162(b).

(7) PAYMENT YIELD.—The term "payment yield" means the yield assigned to a particular farm by historic peanut producers pursuant to section 162(b).

(8) PEANUT ACRES.—The term "peanut acres" means the number of acres assigned to a particular farm by historic peanut pro-
ducers pursuant to section 162(b).

(9) PAYMENT ACRES.—The term "payment acres" means the average acres and average yield to a farm when the historic peanut producer is no longer living or is an entity composed of historic peanut producers having no persons or property to which the individual or entity can be held.

(10) UNITED STATES and STATE.—The term "United States" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, and the Canal Zone.

(11) TARGET PRICE.—The term "target price" means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(12) PEANUT PRODUCER.—The term "historic peanut producer" means a producer on a farm in the United States that is eligible to receive a fixed, decoupled payment from the Secretary.

SEC. 153. STORAGE FACILITY LOANS.

(a) STORAGE FACILITY LOAN PROGRAM.—Notwithstanding any other provision of law and as soon as practicable after the date of enactment of this Act, the Commodity Credit Corporation shall make all loans available under title 7, Code of Federal Regulations, to establish a sugar storage facility loan program to provide financing for processors of domestically produced sugarcane and sugar beets to build or upgrade storage and handling fa-
cilities for raw sugars and refined sugars.

(b) ELIGIBLE PROCESSORS.—Storage facility loans shall be made available to any proc-
dessor of domestically produced sugarcane or sugar beets that, in the Secretary's discretion, determines a need for increased storage capacity (taking into account the ef-
acts of marketing allotments), and dem-
onstrates the ability to repay the loan.

(c) TERM OF LOANS.—Storage facility loans shall be for a minimum of seven years, and shall be in such amounts and on such terms and conditions (including down payment, se-
curity requirements, and eligible equipment) as are normal, customary, and appropriate for the size and commercial nature of the borrower.

(d) ADMINISTRATION.—The sugar storage fa-
cility loan program shall be administered using the services, facilities, funds, and au-
thorities of the Commodity Credit Corpora-
tion.

CHAPTER 3—PEANUTS

SEC. 161. DEFINITIONS.

In this chapter:
(1) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a pay-
ment made to peanut producers under section 164.

(2) EFFECTIVE PRICE.—The term "effective price" means the price calculated by the Sec-
retary under section 164 for peanuts to determine whether counter-cyclical pay-
ments are required to be made under such section for a crop year.

(3) HISTORIC PEANUT PRODUCER.—The term "historic peanut producer" means a peanut producer on a farm in the United States that produced or attempted to produce peanuts during any or all of crop years 1998, 1999, 2000, and 2001.

(4) FIXED, DECOUPLED PAYMENT.—The term "fixed, decoupled payment" means a pay-
ment made to peanut producers under section 163.

(5) PAYMENT ACRES.—The term "payment acres" means 85 percent of the peanut acres on a farm, as established under section 162, upon which fixed, decoupled payments and countercyclical payments are to be made.

(6) PEANUT ACRES.—The term "peanut acres" means the number of acres assigned

(1) ASSIGNMENT BY HISTORIC PEANUT PRO-
ducers.—The Secretary shall give each his-
toric peanut producer an opportunity to as-
sign the average peanut yield and average acreage determined under paragraph (a) for the producer to cropland on a farm.

(2) PAYMENT YIELD.—The average of all of the yields assigned by historic peanut pro-
ducers shall be the peanut yield for farm purposes of making fixed decoupled payments and counter-cyclical payments under this chap-
ter.

(3) PEANUT ACRES.—Subject to subsection (e), the total number of acres assigned by historic peanut producers to a farm shall be the peanut acres for the farm for the purpose of making fixed decoupled payments and counter-cyclical payments under this chapter.

(4) PAYMENT ACRES.—The payment acres for peanuts on a farm shall be equal to 85 percent of the peanut acres assigned to the farm.

(5) PREVENTION OF EXCESS PEANUT ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the peanut acres for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the quantity of pean-
ut acres for the farm or base acres for one or more covered commodities for the farm as necessary so that the peanut acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm. The Secretary shall give the peanut producers on the farm the oppor-
tunity to select the peanut acres or base acres against which the reduction will be made.

(2) OTHER ACREAGE.—For purposes of para-
graph (1), the Secretary shall include the fol-
dowing:
(A) Any base acres for the farm under sub-
title D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).
(B) Any other acreage on the farm enrolled in a conservation reserve program or wet-
lands reserve program under chapter 1 of sub-
title D of title XII of the Food Security Act of 1985 (16 U.S.C. 2801 et seq.).
(C) Any other acreage on the farm enrolled in a conservation program for which pay-
ments are made in exchange for not pro-
ducing an agricultural commodity on the acreage.

(3) EXCEPTION FOR DOUBLE-CROPPED ACRE-
AGE.—In applying paragraph (1), the Sec-
retary shall make an exception in the case of double cropping, as determined by the Sec-
retary.

SEC. 163. AVAILABILITY OF FIXED, DECOUPLED PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—For each of the 2002 through 2011 crop years, the Secre-
tary shall make fixed, decoupled payments to peanut producers on a farm.

(b) PAYMENT RATE.—The payment rate used to make fixed, decoupled payments with respect to peanuts for a crop year shall be equal to $76 per ton.

(c) PAYMENT AMOUNT.—The amount of the fixed, decoupled payment to be paid to the peanut producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:
(1) The payment rate specified in sub-
section (b).
(2) The payment acres on the farm.
(3) The payment yield for the farm.

(4) Time for Payment.—

(a) General Rule.—Fixed, decoupled payments shall be paid not later than December 30 of each year, beginning with the 2002 crop year.

(b) Exception.—The Secretary may determine that the effective price for peanuts is less than the target price.

(c) Target Price.—For purposes of subsection (a), the target price for peanuts is equal to the sum of the following:

(1) The higher of the following:
   (A) The average price obtained from the national market price received by all peanut producers in the United States during the 12-month marketing year for peanuts, as determined by the Secretary; or
   (B) The national average loan rate for a marketing year.

(2) The effective price determined under section 163 for the purpose of making fixed, decoupled payments.

(d) Payment Amount.—The payment amount for peanuts in each marketing year for which fixed, decoupled payments are made shall be the product of the following:

(1) The payment rate specified in subsection (d); and
(2) The payment acres.

(e) Time for Payment.—

(a) General Rule.—The Secretary shall make counter-cyclical payments under this section for a crop year on or after December 1 of each year, beginning with the 2002 crop year.

(b) Exception.—The Secretary may determine that the effective price for peanuts is less than the target price.

(c) Target Price.—For purposes of subsection (a), the target price for peanuts is equal to the sum of the following:

(1) The higher of the following:
   (A) The national average market price received by all peanut producers in the United States during the 12-month marketing year for peanuts, as determined by the Secretary; or
   (B) The national average loan rate for a marketing year.

(2) The effective price determined under section 163 for the purpose of making fixed, decoupled payments.

(d) Payment Amount.—The payment amount for peanuts in each marketing year for which fixed, decoupled payments are made shall be the product of the following:

(1) The payment rate specified in subsection (d); and
(2) The payment acres.

(e) Time for Payment.—

(a) General Rule.—The Secretary shall make counter-cyclical payments under this section for a crop year on or after December 1 of each year, beginning with the 2002 crop year.

(b) Exception.—The Secretary may determine that the effective price for peanuts is less than the target price.
(c) The Farm Service Agency.

(5) Loan Servicing Agent.—As a condition of the Secretary’s approval of an entity to serve as a loan servicing agent or to handle or store peanuts for peanut producers that receive any marketing loan benefits, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commodity credit corporation, loan servicing agents and marketing associations.

(b) Loan Rate.—The loan rate for a marketing assistance loan under for peanuts subsection (a) shall be equal to $0.80 per ton.

(c) Term of Loan.—

(1) In general.—A marketing assistance loan under subsection (a) shall have a term of nine months beginning on the first day of the first month after the month in which the loan is made.

(2) Holders of Paprika.—The Secretary may not extend the term of a marketing assistance loan under subsection (a).

(d) Repayment Rate.—The Secretary shall permit peanut producers to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(A) the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary); or

(B) a rate that the Secretary determines will—

(1) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(e) Loan Deficiency Payments.—

(1) Availability.—The Secretary may make loan deficiency payments available to peanut producers who, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for payments under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for peanuts by—

(B) the quantity of the peanuts produced by—

(1) the peanut producer, excluding peanuts for which the producers obtain a loan under subsection (a).

(3) loan payment rate.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); and

(B) the rate at which a loan may be repaid under subsection (d).

(4) Time for Payment.—The Secretary shall make a payment under this subsection to a producer per unit with respect to a quantity of peanuts as of the earlier of the following:

(A) The date on which the peanut producer marketer makes a request for a loan because of a reduction in the peanuts, as determined by the Secretary.

(B) The date the peanut producer requests the payment.

(f) Compliance With Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the peanut grower shall comply with applicable conservation requirements under subsection B of title XII of the Food Security Act of 1985 (16 U.S.C. 3311 et seq.) and applicable wetland protection requirements under subsection C of title XII of the Act (16 U.S.C. 3321 et seq.) during the term of the loan.

(g) Reimbursable Agreements and Payment of Expenses.—To the extent practicable, the Secretary shall implement any reimbursable agreements or provide for the payment of expenses under this chapter in a manner that is consistent with such activities in regard to peanuts in general.

(h) Termination of Superseded Price Support Authority.—

(1) Repeal.—Section 155 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7271) is repealed.

(2) Conforming Amendments.—The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended to—

(A) in section 101(b) (7 U.S.C. 1411(b)), by striking “and peanuts”; and

(B) in section 400(c) (7 U.S.C. 1432(c)), by striking “peanuts”.

SEC. 168. QUALITY IMPROVEMENT.

(a) Official Inspection.—

(1) Mandatory Inspection.—All peanuts placed under a marketing assistance loan under section 167 shall be officially inspected and graded by Federal or State inspectors.

(2) Optional Inspection.—Peanuts not placed under a marketing assistance loan may be graded at the option of the peanut producer.

(b) Commission of Peanut Administrative Committee.—The Peanut Administrative Committee established under Marketing Agreement No. 1436, which regulates the marketing of peanuts, shall be the agency designated by the Secretary in this section (a) at a rate that is determined by the Secretary.

(c) Establishment of Peanut Standards Board.—The Secretary shall establish a Peanut Standards Board for the purpose of assuring the establishment of quality standards for peanuts. The membership of the board should fairly reflect all regions and segments of the peanut industry.

(d) Effective Date.—This section shall take effect with the 2002 crop of peanuts.

SEC. 169. PAYMENT LIMITATIONS.

For purposes of sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308-3), separate payment limitations shall apply to peanuts with respect to—

(1) fixed, decoupled payments;

(2) counter-cyclical payments; and

(3) limitations on marketing loan gains and loan deficiency payments.

SEC. 170. TERMINATION OF MARKETING QUOTA PROGRAMS FOR PEANUTS AND COMPLEMENTARY PROGRAMS.

(a) Repeal of Marketing Quota.—

(1) Repeal.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357-1357a), relating to peanuts, is repealed.

(2) Treatment of 2001 crop.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357-1357a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2001 crop of peanuts notwithstanding the amendment made by paragraph (1).

(b) Compensation Contract Required.—The holder or new owner into a contract with eligible peanut quota holders for the purpose of providing compensation for the lost value of the quota on account of the repeal of the marketing loan program for peanuts under subsection (a). Under the contract, the Secretary shall make payments to eligible peanut quota holders during fiscal years 2002 and 2003.

(c) Time for Payment.—The payments required under the contracts shall be provided in five equal installments not later than September 30 of each of fiscal years 2002 through 2006.

(d) Payment Amount.—The amount of the payment for a fiscal year to a peanut quota holder under a contract shall be equal to the product obtained by multiplying—

(1) $0.19 per pound; by

(2) the actual farm poundage quota (excluding seed and experimental peanuts) established for the peanut quota holder’s farm under 7 U.S.C. 1358-1(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)) for the 2001 marketing year.

(e) Assignment of Payments.—The provisions of section 358-1(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(h)), relating to assignment of payments, shall apply to the payments made to peanut quota holders under the contracts.

(f) Peanut Quota Holder Defined.—In this section, the term “pictural agent” means a person or enterprise that owns a farm that—

(1) was eligible, immediately before the date of the enactment of this Act, to have a peanut quota established upon it; and

(2) if there are not quotas currently established, would be eligible to have a quota established upon it for the first crop year, in the absence of the amendment made by subsection (a); or

(3) is otherwise a farm that was eligible for such a quota at the time the general quota establishment authority was repealed.

The Secretary shall apply this definition without regard to temporary leases or transfers or quotas for seed or experimental purposes.

Subtitle D—Administration

SEC. 181. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(b) Determinations by Secretary.—A determination made by the “Secretary” under this title shall be final and conclusive.

(c) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this title. The issued regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(d) Farm Security Agency Interception of Producers.—The protection afforded producers that elect the option to accelerate the receipt of any payment under a payment flexibility contract or contract of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7221) shall also apply to the advance under this title.

(e) Adjustment Authority Related to Uruguay Round Compliance.—If the Secretary determines that a contract under subsections A, B, and C that are subject to the total allowable domestic support levels under the Uruguay Round Agreement (as defined in section 277(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2502)), in effect on the date of the enactment of this Act,
will exceed such allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of such expenditures during that period to ensure that such allowances are not exceeded, but in no case are less than, such allowable levels.

SEC. 182. EXTENSION OF SUSPENSION OF PERMA-
MENT VOTE A UTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1985.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(b)(1)) is amended by striking “2002” both places it appears and inserting “2011.”

(b) AGRICULTURAL ACT OF 1949.—Section 171(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(b)(1)) is amended by striking “2002” both places it appears and inserting “2011.”

(c) SUSPENSION OF CERTAIN QUOTA PROVI-
SIONS.—Section 171(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(c)) is amended by striking “2002” and inserting “2011.”

SEC. 183. LIMITATIONS.

(a) LIMITATION ON AMOUNTS RECEIVED.—Section 101 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in paragraph (1)—

(A) by striking “FIXED, DECOUPLED PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS” and inserting “FIXED, DECOUPLED PAYMENTS”;

(B) by striking “contract payments made under the Market Access Program” and inserting “fixed, decoupled payments made to a person”; and

(C) by striking “4” and inserting “5”;

(2) in paragraphs (2) and (3)—

(A) by striking “payments specified” and all that follows through “and oilseeds” and inserting “follows payments that a person shall be entitled to receive”;

(B) by striking “75” and inserting “150”;

(C) by striking the period at the end of paragraphs (2) and (3) that follows through “the following” in paragraph (3);

(D) by striking “section 131” and all that follows through “section 132” and inserting “section 123 of the Farm Security Act of 2001 for a crop of any covered commodity at a lower level than the original loan rate established for the commodity under section 122”;

(E) by striking “section 135” and inserting “section 125”; and

(F) by inserting after paragraph (2) the following new paragraph (3):

“(3) LIMITATION ON COUNTER-CYCLICAL PAY-
MENTS.—The total amount of countercyclical payments a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.”

(b) DEFINITIONS.—(Paragraphe 4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended to read as follows:

“(4) DEFINITIONS.—In this title, the terms ‘covered commodity’, ‘counter-cyclical payment’, and ‘fixed, decoupled payment’ have the same meaning as in section 109 of the Farm Security Act of 2001.”

(c) TRANSITION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), as in effect on the day before the date of enactment of this Act, shall continue to apply with respect to fiscal year 2001 and the 2001 crop of any applicable commodity.

SEC. 184. ADJUSTMENTS OF LOANS.

Section 162(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7302(b)) is amended by striking “this title” and inserting “this title and title I of the Farm Security Act of 2001”.

SEC. 185. PERSONAL LIABILITY OF PRODUCERS

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking “this title” each place it appears and inserting “this title and title I of the Farm Security Act of 2001”.

SEC. 186. EXTENSION OF ADMINISTRATIVE
AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) in subsection (a)—

(A) by striking “IN GENERAL—” and inserting “SPECIFIC PAYMENTS—”;

(B) by striking “C” and inserting “C this title and title I of the Farm Security Act of 2001”; and

(2) in subsection (b)—

(A) by striking “producer” the first two places it appears and inserting “person”;

(B) by striking “to producers under sub-

title C and inserting “by the Commodity Credit Corporation”;

SEC. 187. ASSIGNMENT OF PAYMENTS.

The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (7 U.S.C. 1308), as in effect on January 1, 2002, shall apply to payments made under the authority of this Act. The pro-

ducer making the assignment, or the as-

signee, shall provide the Secretary with no-

tice, in such manner as the Secretary may require, of any assignment made under this section.

TITLE II—CONSERVATION

Subtitle A—Environmental Conservation

Acreage Reserve Program

SEC. 201. GENERAL PROVISIONS.

Title XII of the Food Security Act of 1985 is amended—

(1) in section 1230(a), by striking “1996 through 2002” and inserting “2002 through 2011”;

(2) by striking subsection (c) of section 1230; and

(3) in section 320A (16 U.S.C. 3830a), by striking “chapter” each place it appears and inserting “title”.

Subtitle B—Conservation Reserve Program

SEC. 211. REAUTHORIZATION.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by inserting “as described in section 1232(a)(7) or for other purposes” before “as permitted”;

(2) by inserting “where practicable, or maintain existing cover” before “on such land”; and

(3) by inserting “and all that follows and inserting ‘Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat—’”.

(b) ELIGIBILITY.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) marginal pasturelands to be devoted to natural vegetation in or near riparian areas or for similar water quality purposes, including marginal pasturelands converted to wet-

lands or converted to wildlife habitat;” and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

“(A) if the Secretary determines that—

(i) the lands contribute to the degrada-

tion of soil, water, or air quality, or would pose an on-site or off-site environmental threat to soil, water, or air quality if permitted to remain in agricultural production; and

(ii) soil, water, and air quality objectives with respect to such a conversion would be threatened by the environmental quality incentives program established under chapter 4;”;

(B) by striking “or” at the end of subpara-

graph (C); and

(C) by striking the period at the end of subpara-

graph (D) and inserting “; or”; and

(D) by adding at the end the following:

“(E) if the Secretary determines that en-

rollment of such lands would contribute to conservation of ground or surface water.”.

Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by striking “36,400,000” and inserting “40,000,000”.

(c) ELIGIBILITY ON CONTRACT EXPIR-
ATION.—On the expiration of a contract en-

tered into under this subchapter, the land sub-

mitted to the contract shall be eligible to be considered for re-enrollment in the conserva-

tion reserve.”.

(d) BALANCE OF NATURAL RESOURCE PUR-
POSES.

(1) IN GENERAL.—Section 1231 of such Act (16 U.S.C. 3831) is amended by adding at the end the following:

“(1) BALANCE OF NATURAL RESOURCE PUR-
POSES.—In determining the acceptability of contract offers under this subchapter, the Secretary shall ensure an equitable balance among the conservation purposes of soil ero-

sion, water quality and wildlife habitats.”.

(2) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations implementing section 1231(i) of the Food Security Act of 1985, as added by paragraph (1) of this section.

SEC. 212. DUTIES OF OWNERS AND OPERATORS

Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended—

(1) in subsection (a)—

(A) by striking “as described in section 1232(a)(7) or for other purposes” before “as permitted”;

(B) by inserting “where practicable, or maintain existing cover” before “on such land”; and

(C) by inserting “and all that follows and inserting ‘Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat—’”.

(2) In paragraph (7), by striking “Sec-
cretary or” and inserting “Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat—”.

(3) managed grazing and limited haying, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of the activity;

(B) wind turbines for the provision of wind energy, whether or not commercial in nature, and wildlife;

(C) land subject to the contract to be har-

vested for recovery of biomass used in energy production, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of such activity; and

(4) by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c).

SEC. 214. REFERENCE TO CONSERVATION RE-
SERVE PAYMENTS.

Subchapter B of chapter 1 of title XII of such Act (16 U.S.C. 3831–3836) is amended—

(1) by striking “rental payment” each place it appears and inserting “conservation reserve payment”;

(2) by striking “rental payments” each place it appears and inserting “conservation reserve payments”; and

(3) in the paragraph heading for section 1237 of such Act (16 U.S.C. 3837), by striking “RENTAL PAYMENT” and inserting “CONSERVATION RESERVE PAYMENT”.

Subtitle C—Wetlands Reserve Program

SEC. 221. ENROLLMENT.

(a) MAXIMUM.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended by striking paragraph (1) and inserting the following:

(House)
“(1) ANNUAL ENROLLMENT.—In addition to any acres enrolled in the wetlands reserve program as of the end of a calendar year, the Secretary may in the succeeding calendar year enroll in the program a number of additional acres equal to—

“(A) if the succeeding calendar year is calendar year 2002, 150,000; or

“(B) if the succeeding calendar year is a calendar year after calendar year 2002—

“(i) 150,000; plus

“(ii) the amount (if any) by which 150,000, multiplied by the number of calendar years in the period that begins with calendar year 2002 and ends with the calendar year preceding such succeeding calendar year, exceeds the number of acres added to the reserve during the period.”.

(b) METHODS.—Section 1237 of such Act (16 U.S.C. 3837b(h)) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) METHODS OF ENROLLMENT.—The Secretary shall ensure that the program is designed to provide increased environmental benefits to air, soil, water, or related resources; and

(2) in paragraph (4), by inserting “including non-industrial private forest lands” before the period.

SEC. 233. ESTABLISHMENT AND ADMINISTRATION

(a) REAUTHORIZATION.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)(1)) is amended by striking “2002” and inserting “2007”.

(b) TERM OF CONTRACTS.—Section 1240B(b)(2) of such Act (16 U.S.C. 3839aa-2(b)(2)) is amended by striking “not less than 5, nor more than 10, years” and inserting “not less than 1 year, nor more than 10 years”.

(c) STRUCTURAL PRACTICES.—Section 1240B(c)(1)(B) of such Act (16 U.S.C. 3839aa-2(c)(1)(B)) is amended to read as follows:

“(B) achieving the purposes established under this subtitle.

(d) ELIMINATION OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR COST-SHARE PAYMENTS.—Section 1240B(e)(1) of such Act (16 U.S.C. 3839aa-2(e)(1)) is amended—

(1) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(2) in subparagraph (B) (as so redesignated), by striking “or 3”.

(e) INCENTIVE PAYMENTS.—Section 1240B of such Act (16 U.S.C. 3839aa-2(b)) is amended—

(1) in subsection (e)—

“(A) in the subsection heading, by striking “INCENTIVE PAYMENTS”; and

“(B) by striking paragraph (2); and

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and inserting after subsection (e) the following:

“(f) CONSERVATION INCENTIVE PAYMENTS.—

“(1) General.—The Secretary may make incentive payments in an amount and at a rate determined by the Secretary to provide multiple land management practices and to promote the enhancement of soil, water, wildlife habitat, air, and related resources.

“(2) SPECIAL RULE.—In determining the amount and rate of incentive payments, the Secretary may accord great weight to those practices that include residue, nutrient, pest, invasive species, and air quality management.

“(3) In General.—The Secretary may make incentive payments in an amount and at a rate determined by the Secretary to provide multiple land management practices and to promote the enhancement of soil, water, wildlife habitat, air, and related resources.

“(4) In General.—The Secretary shall provide incentive payments in an amount and at a rate determined by the Secretary to (A) encourage the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing; and

“(5) In General.—The Secretary shall provide incentive payments in an amount and at a rate determined by the Secretary to encourage producers to implement conservation practices and provide increased environmental benefits to air, soil, water, and related resources.”.

SEC. 234. EVALUATION OF OFFERS AND PAYMENTS

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) aid producers in complying with this title and Federal and State environmental laws, and encourage environmental enhancement and conservation; and

“(2) maximize the beneficial usage of animal manure and other similar soil amendments which improve soil health, tilth, and water-holding capacity; and

“(3) encourage the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing.”.

SEC. 235. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

Section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended by striking paragraphs “(a)” and “(b)” and inserting “(a)”, and by striking “in the case of such provisions 2 ems to the left; and

(b) by inserting “farming and ranching” each place it appears and inserting “producer”.

SEC. 236. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—

(1) in paragraph (1), by striking “and all that follows through ‘provides’—” and inserting “and all that follows through ‘provides’—”;

(2) by striking “that face the most serious threats to—” and inserting “to address environmental needs and provide benefits to air;”;

(3) by redesignating the subparagraphs (A) through (D) that follow the matter amended by paragraph (2) of this section as paragraphs (1) through (4), respectively;

(4) by moving such redesignated provisions 2 ems to the left; and

(5) by striking “farming and ranching” each place it appears and inserting “producer”.

SEC. 237. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “$10,000” and inserting “$50,000”; and

(B) in paragraph (2) by striking “$50,000” and inserting “$200,000”; and

(2) in subsection (b)(2), by striking “the maximization of environmental benefits per dollar expended” and inserting “the maximization of environmental benefits per dollar expended”;

(3) by striking subsection (c).

SEC. 238. GROUND AND SURFACE WATER CONSERVATION.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

“SEC. 1240H. GROUND AND SURFACE WATER CONSERVATION.

“(a) SUPPORT FOR CONSERVATION MEASURES.—The Secretary shall provide cost-sharing payments for producers to develop and implement 1 or more structural practices for 1 or more land management practices, as appropriate.”.

SEC. 241. REAUTHORIZATION.

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking “2002” and inserting “2011”.

SEC. 242. FUNDING.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking “$130,000,000” and all that follows through “2002,” and inserting “the following amounts for purposes of”;

(2) by striking “subtitle D.” and inserting “subtitle D.”;

(3) by adding at the end the following:

“(A) $200,000,000 for fiscal year 2001.

“(B) $1,025,000,000 for each of fiscal years 2002 and 2003.

“(C) $1,200,000,000 for each of fiscal years 2004, 2005, and 2006.

“(D) $1,400,000,000 for each of fiscal years 2007, 2008, and 2009.

“(E) $1,500,000,000 for each of fiscal years 2010 and 2011.”.

SEC. 243. ALLOCATION FOR LIVESTOCK PRODUCTION.


SEC. 244. ADMINISTRATION AND TECHNICAL ASSISTANCE.

(a) BROADENING OF EXCEPTION TO ACREAGE LIMITATION.—Section 1242(b) of the Food Security Act of 1985 (16 U.S.C. 3843(b)(2)) is amended by striking “that—” and all that follows and inserting “that the action would not adversely affect the local economy of the county.”.

(b) RULES GOVERNING PROVISION OF TECHNICAL ASSISTANCE.—Section 1243(d) of such Act (16 U.S.C. 3843(d)) is amended to read as follows:

“(d) RULES GOVERNING PROVISION OF TECHNICAL ASSISTANCE.—

“(1) In General.—The Secretary shall provide technical assistance under this title to a producer eligible for such assistance, by providing the assistance directly or, at the
option of the producer, through an approved third party if available.

(2) REEVALUATION.—The Secretary shall reevaluate the provision of, and the amount of, technical assistance made available under subchapters B and C of chapter 1 and chapter 4 of subtitle D.

(3) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this subsection, the Secretary of Agriculture shall, by regulation, establish a system for approving persons to provide technical assistance pursuant to chapter 4 of subtitle D. For purposes of this paragraph, a person shall be considered to have a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.

(B) EXPERTS REQUIRED.—In prescribing such regulations, the Secretary shall ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of such technical assistance.''

(c) DUTY OF SECRETARY.—

(1) SEC. 1770(d) of such Act (7 U.S.C. 2276(d)) is amended—

(A) by striking the period at the end of subsection (a) and inserting ‘‘; and’’;

(B) by adding the following at the end:

‘‘(2) by adding at the end the following:

‘‘(d) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

‘‘(1) any agency of any State or local government, or federally recognized Indian tribe, including farmland protection boards and land resource councils established under State law; and

‘‘(2) any organization that—

‘‘(A) is organized for, and at all times since the formation of the organization, has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of Section 170(h)(4)(A) of the Internal Revenue Code; and

‘‘(B) is an organization described in section 501(c)(3) of the Code that is exempt from taxation under section 501(a) of that Code; or

‘‘(C) is described in section 509(a)(2) of that Code; or

‘‘(D) is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(1) of that Code.’’

(2) CONFORMING AMENDMENTS.—Section 1770(e) of such Act (7 U.S.C. 2276(e)) is amended—

(A) by striking the subsection heading and inserting ‘‘Secretary’’; and

(B) by inserting ‘‘or as necessary to carry out a program under title XII of this Act as determined by the Secretary’’ before the period.

Subtitle F—Other Programs

SEC. 251. PRIVATE GRASSING LAND CONSERVATION ASSISTANCE.

Section 386(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005(d)(1)) is amended—

(1) by striking ‘‘and’’ at the end of paragraph (G); and

(2) by striking the period at the end of subparagraph (H) and inserting ‘‘; and’’; and

(3) by adding at the end the following new subparagraph:

‘‘(I) encouraging the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing.’’

SEC. 252. WILDLIFE HABITAT INCENTIVES PROGRAM.

Subsection (c) of section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

‘‘(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available the following amounts to carry out this section:

‘‘(1) $25,000,000 for fiscal year 2002.

‘‘(2) $30,000,000 for each of fiscal years 2003 and 2004.

‘‘(3) $35,000,000 for each of fiscal years 2005 and 2006.

‘‘(4) $40,000,000 for fiscal year 2007.

‘‘(5) $45,000,000 for each of fiscal years 2008 and 2009.

‘‘(6) $50,000,000 for each of fiscal years 2010 and 2011.’’

SEC. 253. FARMLAND PROTECTION PROGRAM.

(a) AMENDMENT OF ACREAGE LIMITATION; EXPANSION OF PURPOSES.—Subsection (a) of section 388 of the Federal Agriculture Improve-
SEC. 1533. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) Technical—

(2) in subsection (a)—

(A) by striking “State, local unit of government, or local nonprofit organization to assist in carrying out works of improvement specifically authorized by RC&D councils or affiliations of RC&D councils to assist in carrying out a project specified in a RC&D council”;

(B) in paragraph (1)—

(i) by striking “State, local unit of government, or local nonprofit organization” and inserting “RC&D council or affiliation”; and

(ii) by striking “works of improvement” and inserting “RC&D council”;

(C) in paragraph (2)—

(i) by striking “works of improvement” and inserting “RC&D council”;

(ii) by striking “State, local unit of government, or local nonprofit organization” and inserting “RC&D council”;

(D) in paragraph (3), by striking “works of improvement” and all that follows and inserting “RC&D council”;

(E) in paragraph (4), by striking “the works of improvement provided for in the area plan” and inserting “the project provided for in the RC&D council”;

(F) in paragraph (5), by inserting “federally recognized Indian tribe” before “local” each place it appears; and

(G) in paragraph (6), by inserting “RC&D council” before “area plan”;

(3) in subsection (a) by striking “work of improvement” and inserting “project”; and

(4) in subsection (c), by striking “any State, local unit of government, or local nonprofit organization to carry out any” and inserting “RC&D council to carry out any”;

(5) in subsection (d), by striking “RC&D council” and inserting “Secretary”;

SEC. 1534. RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD—Section 1534 of such Act (16 U.S.C. 3457) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 1534. RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD.—

(a) The Secretary; and

(2) in subsection (b), by striking “seven”—

(b) PROGRAM EVALUATION.—Section 1535 of such Act (16 U.S.C. 3458) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 1535. PROGRAM EVALUATION.—

The Secretary;”

(2) by inserting “with assistance from RC&D councils” before “before provided”; and

(3) by inserting “federally recognized Indian tribes,” before “local units”; and

(4) by striking “1986” and inserting “2007”.

(i) LIMITATION ON ASSISTANCE.—Section 1536 of such Act (16 U.S.C. 3459) is amended by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 1536. LIMITATION ON ASSISTANCE.—

The program;”

(ii) SUPPLEMENTAL AUTHORITY OF THE SECRETARY.—Section 1537 of such Act (16 U.S.C. 3460) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and the authority for the following:

“SEC. 1537. SUPPLEMENTAL AUTHORITY OF THE SECRETARY.—

(a) The authority; and

(b) by striking “States, local units of government, and local nonprofit organizations” and inserting “RC&D councils”;

(A) by striking “of Appropriations.—” Section 1538 of such Act (16 U.S.C. 3461) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 1538. AUTHORIZATION OF APPROPRIATIONS.—

(1) by striking “there are” and inserting the following:

“There are”; and

(2) by striking “for each of the fiscal years 1996 through 2002”.

SEC. 255. GRASSLAND RESERVE PROGRAM.

(a) In General—Chapter I of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3837) is amended by adding at the end the following:

“Subchapter D—Grassland Reserve Program

SEC. 1235A. GRASSLAND RESERVE PROGRAM.—

(a) Establishment.—The Secretary, acting through the Farm Service Agency, shall establish a grassland reserve program (referred to in this subchapter as the ‘program’) to assist owners in restoring and conserving eligible land described in subsection (c).

(b) Enrollment Conditions.—

(1) Maximum enrollment.—The total number of acres enrolled in the program shall not exceed 2,000,000 acres, not more than 1,000,000 of which shall be restored grassland, and not more than 1,000,000 of which shall be virgin (never cultivated) grassland.

(2) Methods of enrollment.—The Secretary shall enroll in the program for a willing owner any non-contiguous acres not more than 50 contiguous acres of land west of the 90th meridian or not less than 50 contiguous acres of land east of the 90th meridian through the use of—

(A) 18-year, 15-year, or 20-year contracts; and

(B) 30-year or permanent easements.

(3) Limitation on use of easements.—Not more than one-third of the total amount of funds expended under the program may be used to acquire 30-year and permanent easements.

(g) Eligible Land.—Land shall be eligible to be enrolled in the program if the Secretary determines that—

(1) the land is natural grass or shrubland;

(2) the land—

(A) is located in an area that has been historically dominated by natural grass or shrubland; and

(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grass or shrubland.

SEC. 1235B. CONTRACTS AND AGREEMENTS.—

(1) Requirements of Landowner.—

(A) To be eligible to enroll land in the program under a multi-year contract, the owner of the land shall—

(i) agree to comply with the terms of the contract and related restoration agreements; and

(ii) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary;

(B) To be eligible to enroll land in the program under an easement, the owner of the land shall—

(i) grant an easement that runs with the land to the Secretary;

(ii) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

(iii) provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

(iv) provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

(v) agree to the terms of the easement and related restoration agreements; and

(vi) in the case of a permanent easement, the fair market value of the land less the
grazing value of the land encumbered by the easement; and
‘‘(ii) in the case of a 30-year easement or an easement for the maximum duration allowed under applicable law, 30 percent of the fair market value of the land less the grazing value of the land for the period that the land is encumbered by the easement.

(f) Easement Payments.—Easement payments may be made as a single payment or annual payments, but not to exceed 10 annual payments of equal or unequal amounts, as agreed upon by the Secretary and the owner of the farm under applicable law.

(c) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to the owner of not more than—
‘‘(1) the case of virgin (never cultivated) grassland, 90 percent of the costs of carrying out measures necessary to reestablish grassland functions and values; or
‘‘(2) in the case of restored grassland, 75 percent of such costs.

(d) TECHNICAL ASSISTANCE.—A landowner who is receiving a benefit under this subchapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this subchapter.

(e) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter is incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary may make the payment in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary deems fair and reasonable in light of all the circumstances.

(b) FUNDING.—Section 1241 of such Act (16 U.S.C. 3841) is amended by adding at the end the following:

‘‘(2) CONTRACTING AGENCY .—The Secretary may designate an eligible district or other participating government agency to enter into a contract entered into under this subchapter.

SEC. 256. FARMLAND STEWARDSHIP PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3820–3820b) is amended by inserting after chapter 1 (and the matter added by section 255 of this Act) the following:

CHAPTER 2—FARMLAND STEWARDSHIP PROGRAM

SEC. 1239. DEFINITIONS.

‘‘In this chapter:

(1) AGREEMENT.—The terms ‘farmland stewardship agreement’ and ‘agreement’ mean a stewardship contract authorized by this chapter.

(2) CONTRACTING AGENCY.—The term ‘contracting agency’ means a local conservation district, resource conservation and development council, local office of the Department of Agriculture, other participating government agency, or other nongovernmental organization that is designated by the Secretary to enter into farmland stewardship agreements on behalf of the Secretary.

(3) ELIGIBLE AGRICULTURAL LANDS.—The term ‘eligible agricultural lands’ means private lands that are in primarily native or natural condition or are classified as cropland, pastureland, grazing lands, timberlands, or other lands as specified by the Secretary that—

(A) contain wildlife habitat, wetlands, or other valued resources; or

(B) provide benefits to the public at large, such as—

(1) conservation of soil, water, and related resources;

(2) water quality protection or improvement;

(3) control of invasive and exotic species;

(4) wetland restoration, protection, and creation; and

(5) wildlife habitat development and protection;

(6) preservation of open spaces, or prime, unique, or other productive farm lands; and

(7) and other similar conservation purposes.

(4) FARMLAND STEWARDSHIP PROGRAM.—The terms ‘Farmland Stewardship Program’ and ‘Program’ mean the Program of the Department of Agriculture established by this chapter.

SEC. 1259A. USE OF FARMLAND STEWARDSHIP AGREEMENTS.

‘‘(a) AGREEMENTS AUTHORIZED.—The Secretary shall carry out the Farmland Stewardship Program by entering into stewardship contracts as determined by the Secretary, to be known as farmland stewardship agreements, with the owners or operators of eligible agricultural lands to maintain and protect for the natural and agricultural resources on the lands.

(2) Basic terms of an agreement shall include—

(1) to negotiate a mutually agreeable set of guidelines, practices, and procedures under which conservation practices will be provided by the owner or operator to protect, manage, and operate the lands; and

(2) to implement a conservation program or series of programs where there is no such program or to implement conservation management activities where there is no such activity; and

(3) to expand conservation practices and resource management activities to a property line; and

(4) if it is not appropriate time to negotiate or reach agreement on a public purchase of a fee-simple or less-than-fee interest in the property for conservation purposes.

‘‘(c) MODIFICATION OF OTHER CONSERVATION PROGRAM ELEMENTS.—If most, but not all, of the limitations, conditions, and requirements of a conservation program that is implemented in whole, or in part, through the Farmland Stewardship Program are met with other Federal, State, and local agencies whose programs are incorporated into the Program under section 1239A.

(2) DESIGNATION AND USE OF CONTRACTING AGENCIES.—Subject to subsection (c), the Secretary may authorize a local conservation district, resource conservation & development council, local office of the Department of Agriculture or other participating government agency to enter into and administer agreements under this Program as a contracting agency on behalf of the Secretary.

(3) CONDITIONS ON DESIGNATION.—The Secretary may designate an eligible district or office as a contracting agency under subsection (b) only if the district or office—

(1) submits a written request for such designation to the Secretary;

(2) affirms that it is willing to follow all guidelines for executing and administering an agreement, as promulgated by the Secretary.

(3) demonstrates to the satisfaction of the Secretary that it has established working relationships with owners and operators of eligible agricultural lands in a cooperative manner.

(4) affirms its responsibility for preparing all documentation for the agreement, negotiating its terms with an owner or operator.

(b) Basic requirements on reports to the Secretary, and administering the agreement throughout its full term; and
“(5) demonstrates to the satisfaction of the Secretary that it has or will have the necessary staff resources and expertise to carry out its responsibilities under paragraphs (3) and (4) by the Secretary an application indicating interest in the Program and describing the owner's or operator's property, its resources, and their ecological and agricultural values; and
“(2) submit to the Secretary a list of services to be provided, a management plan to be implemented, or both, under the proposed agreement; and
“(3) if the application and list are accepted by the Secretary, enter into an agreement that details the services to be provided, management plan to be implemented, or both, and requires compliance with the other terms of the agreement.

“(b) APPLICATION ON BEHALF OF AN OWNER OR OPERATOR.—A designated contracting agency may submit the application required by subsection (a) on behalf of an owner or operator by which the contracting agency has secured the consent of the owner or operator to enter into an agreement.’’.

SEC. 257. SMALL WATERSHED REHABILITATION PROGRAM.

Section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)) is amended—
“(1) by adding “and” at the end of paragraph (1); and
“(2) by striking all that follows paragraph (1) and inserting the following:
‘‘$15,000,000 for fiscal year 2002 and each succeeding fiscal year.’’.

Subtitle G—Repeals


(a) WETLANDS MITIGATION BANTING PROGRAM.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (k).

(b) CONSTRUCTION RESERVE PROGRAM.—(1) REPEALS.—(A) Section 1234(f) of such Act (16 U.S.C. 3834(f)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(B) Section 1236 of such Act (16 U.S.C. 3836) is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 1223(a)(6) of such Act (16 U.S.C. 3823(a)(6)) is amended by striking “in addition to the remedies provided under section 1236(d)”.

(B) Section 1234(d)(4) of such Act (16 U.S.C. 3834(d)(4)) is amended by striking “subsection (f)(4)” and inserting “subsection (f)(3)”.

(c) WETLANDS RESERVE PROGRAM.—Section 1227D of such Act (16 U.S.C. 3837d(c)) is amended by striking paragraph (3).

(d) ENVIRONMENTAL EASEMENT PROGRAM.—(1) REPEAL.—Chapter 3 of subtitle D of title XII of such Act (16 U.S.C. 3839-3839d) is repealed.

(2) CONFORMING AMENDMENT.—Section 1243(b)(3) of such Act (16 U.S.C. 3843(b)(3)) is amended by striking “and” at the end of subsection “(3)”.

(3) CONSERVATION FARM OPTION.—Chapter 5 of subtitle D of title XII of such Act (16 U.S.C. 3839b) is repealed.

(4) THE PLANTING INITIATIVE.—Section 1256 of such Act (16 U.S.C. 2011 note) is repealed.

SEC. 262. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION ACT.


TITLE III—TRADE

SEC. 201. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—
“(1) by striking “and not more” and inserting “not more”; and
“(2) by inserting “and not more than $200,000,000 for each of fiscal years 2002 through 2011,” after “2002’’, and
“(3) by striking “and inserting ‘2001’.”

SEC. 202. FOOD FOR PROGRESS.

(a) IN GENERAL.—Subsections (f)(3), (g), (k), and (1)(c) of section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) are each amended by striking “2002” and inserting “2011”.

(b) INCREASE IN FUNDING.—Section 1110(c)(1) of the Food Security Act of 1985 (7 U.S.C. 1736c) is amended—
“(1) by striking “2002” and inserting “2011’’; and
“(2) by striking “$10,000,000” and inserting “$15,000,000”.

(c) EXCLUSION FROM LIMITATION.—Section 1110(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1736c) is amended by inserting “and” after “the”.

(d) TRANSPORTATION COSTS.—Section 1110(c)(3) of the Food Security Act of 1985 (7 U.S.C. 1736o(c)(3)) is amended by striking “$50,000,000” and inserting “$100,000,000”.

(e) AMOUNTS OF COMMODITIES.—Section 1110(g) of the Food Security Act of 1985 (7 U.S.C. 1736c(g)) is amended by striking “$100,000,000” and inserting “$1,000,000”.

(f) MULTIPLE BASES.—Section 1110(j) of the Food Security Act of 1985 (7 U.S.C. 1736c(j)) is amended—
“(1) by striking “may” and inserting “is encouraged”; and
“(2) by inserting “to” before “approve.”

(g) MONETIZATION.—Section 1118(c)(3) of the Food Security Act of 1985 (7 U.S.C. 1736c) is amended by inserting the following:

(h) NEW PROVISIONS.—Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended by—
“(1) striking “may” and inserting “is encouraged”;
“(2) by striking “to” before “approve.”; and
“(3) by striking “$40,000,000” and inserting “$60,000,000”.

(i)IFICATION Paragraph (2) and inserting the following:

SEC. 203. SURPLUS COMMODITIES FOR DEVELOPING OR FRIENDLY COUNTRIES.

(a) USE OF CURRENCIES.—Section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)) is amended—
“(1) in clauses (i) and (iii), by striking “foreign currency” each place it appears;
“(2) in clause (ii)—
“(A) by striking “foreign currencies” and inserting “Proceeds’’; and
“(B) by striking “foreign currency” and
“(3) in clause (iv)—
“(A) by striking “foreign currency proceeds” and inserting “Proceeds’’; and
“(B) by striking “country of origin” the second time it appears and all that follows through “as necessary to expedite” and inserting “country of origin as necessary to expedite’’;
“(C) by striking “or” and inserting a period; and
“(D) by striking subclause (II).

(b) IMPLEMENTATION OF AGREEMENTS.—Section 416(b)(8)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)(A)) is amended—
“(1) by inserting “(i)” after “(A)’’; and
“(2) by adding at the end the following new clauses:

“(ii) The Secretary shall publish in the Federal Register, not later than October 31, for each fiscal year, an estimate of the commodities that shall be available under this section for that fiscal year.

“(iii) The Secretary is encouraged to finalize program agreements under this section not later than December 31 of each fiscal year.’’.

SEC. 204. EXPORT ENHANCEMENT PROGRAM.

Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by inserting “and for each fiscal year thereafter through fiscal year 2011” after “2002’’.

SEC. 205. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) IN GENERAL.—Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended—
“(1) by inserting “(a) PRIOR YEARS.—” before “There’’; and
“(2) by striking “2002” and inserting “2001’’;

(b) VALUE ADDED PRODUCTS.—
“(1) IN GENERAL.—Section 702(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5721 et seq.) is amended—
“(a) by inserting “and a significant emphasis on the importance of the export of value-added United States and includes, but not limited to, the Secretary shall use $30,000,000 of the funds of, or an equal value of the commodities of, the Commodity Credit Corporation to carry out this title.’’;

(b) by adding at the end the following new subsection:

(2) FISCAL 2002 AND LATER.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this title, and, in addition to any sums so appropriated, the Secretary shall use $30,000,000 of the funds of, or an equal value of the commodities of, the Commodity Credit Corporation to carry out this title.

(c) REPORT TO CONGRESS.—
“(1) IN GENERAL.—The Secretary shall report annually to appropriate congressional committees an estimate of the amount of funds provided, and types of programs funded, the value added products that have been targeted, and the foreign markets for those products that have been developed.

“(2) DEFINITION.—In this subsection, the term ‘appropriate congressional committees’ means—
“(A) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and
“(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate.’’.

SEC. 206. EXPORT CREDIT GUARANTEE PROGRAM

(a) REAUTHORIZATION.—Section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)(1)) is amended by striking “2002” and inserting “2011”.

(b) PROCESSED AND HIGH VALUE PRODUCTS.—Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(k)(1)) is amended by striking “2001” and “2002’’ and inserting “through 2011’’.

SEC. 207. FOOD FOR PEACE (PL 480).

The Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended—
“(1) in section 2 (7 U.S.C. 1691), by striking paragraph (2) and inserting the following:

October 3, 2001

CONGRESSIONAL RECORD—HOUSE
SEC. 310. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) Establishment.—The Secretary of Agriculture shall establish an export assistance program (referred to in this section as the “program”) to address unique barriers that prohibit or threaten the export of United States specialty crops.

(b) Purpose.—The program shall provide direct assistance through public and private sector projects and technical assistance to remove, resolve sanitary and phytosanitary and related barriers to trade.

(1) trade effect on market retention, market access, and market expansion; and
(2) trade impact.

(d) Funding.—The Secretary shall make available $3,000,000 for each of fiscal years 2002 through 2011 of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation.

SEC. 311. FARMERS FOR AFRICA AND CARIBBEAN BASIN PROGRAM.

(a) Findings.—Congress finds the following:

(1) Many African farmers and farmers in Caribbean Basin countries use antiquated techniques to produce their crops, which result in poor crop quality and low yield.

(2) Many of these farmers are losing business to farmers in European and Asian countries who use advanced planting and production techniques and are supplying agricultural produce to restaurants, resorts, tour- ist, grocery stores, and other consumers in Africa and Caribbean Basin countries.

(3) A need exists for the training of African farmers and farmers in Caribbean Basin countries and other developing countries in agricultural techniques that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(b) Findings.—Congress finds the following:

(1) Recipient countries.—A proposal to enter into a non-emergency food assistance agreement under this title, the Administrator shall make a decision concerning such proposal.

(2) Time for Decision.—Not later than 120 days after receipt by the Administrator of a proposal submitted by an eligible organization under this title, the Administrator shall make a decision concerning such proposal.

(3) Eligible Grantees.—Eligible grantees under the program shall be direct assistance programs that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(c) Program.—The Secretary shall establish a grant program, to be known as the “Farmers for Africa and Caribbean Basin Program”, to assist eligible organizations in carrying out bilateral exchange programs whereby African-American and other American farmers and American agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(d) Eligible Grantees.—Eligible grantees under the program shall be direct assistance programs that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(1) Recipient countries.—A proposal to enter into a non-emergency food assistance agreement under this title, the Administrator shall make a decision concerning such proposal.

(2) Time for Decision.—Not later than 120 days after receipt by the Administrator of a proposal submitted by an eligible organization under this title, the Administrator shall make a decision concerning such proposal.

(3) Eligible Grantees.—Eligible grantees under the program shall be direct assistance programs that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(b) Findings.—Congress finds the following:

(1) Many African farmers and farmers in Caribbean Basin countries use antiquated techniques to produce their crops, which result in poor crop quality and low yield.

(2) Many of these farmers are losing business to farmers in European and Asian countries who use advanced planting and production techniques and are supplying agricultural produce to restaurants, resorts, tour- ist, grocery stores, and other consumers in Africa and Caribbean Basin countries.

(3) A need exists for the training of African farmers and farmers in Caribbean Basin countries and other developing countries in agricultural techniques that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(c) Program.—The Secretary shall establish a grant program, to be known as the “Farmers for Africa and Caribbean Basin Program”, to assist eligible organizations in carrying out bilateral exchange programs whereby African-American and other American farmers and American agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(d) Eligible Grantees.—Eligible grantees under the program shall be direct assistance programs that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(1) Recipient countries.—A proposal to enter into a non-emergency food assistance agreement under this title, the Administrator shall make a decision concerning such proposal.

(2) Time for Decision.—Not later than 120 days after receipt by the Administrator of a proposal submitted by an eligible organization under this title, the Administrator shall make a decision concerning such proposal.

(3) Eligible Grantees.—Eligible grantees under the program shall be direct assistance programs that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.

(b) Findings.—Congress finds the following:

(1) Many African farmers and farmers in Caribbean Basin countries use antiquated techniques to produce their crops, which result in poor crop quality and low yield.

(2) Many of these farmers are losing business to farmers in European and Asian countries who use advanced planting and production techniques and are supplying agricultural produce to restaurants, resorts, tour- ist, grocery stores, and other consumers in Africa and Caribbean Basin countries.

(3) A need exists for the training of African farmers and farmers in Caribbean Basin countries and other developing countries in agricultural techniques that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, identification and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agricultural and farm risk, maximization of product value of commodities owned by, the Commodity Credit Corporation.
that information is shared and passed on to other eligible farmers. Eligible farmers will be trained to be specialists in their home communities and will be encouraged not to retain or sell new food and technology for their own personal enrichment.

(3) Through partnerships with American businesses and governments, the United States will utilize the commercial industrial capability of businesses dealing in agriculture to train eligible farmers on farming equipment that is appropriate for the specific area. Eligible farmers in Afro-American and/or Caribbean Basin countries and to introduce eligible farmers to the use of insurance as a risk management tool.

(4) Eligible recipients. (1) The selection of eligible farmers, as well as African-American and other American farmers and agricultural specialists, to participate in the Program shall be made by grant recipients using an application process approved by the President.

(2) Participating farmers must have sufficient farm or agribusiness experience and have obtained certain targets regarding the production of soy or their farm or agribusiness.

(g) Grant Period.—The President may make grants under the Program during a period of 5 years beginning on October 1 of the first fiscal year for which funds are made available to carry out the Program.

(h) Authorization of Appropriations.—There shall be appropriated for, or available to carry out this section $10,000,000 for each of fiscal years 2002 through 2011.

## SEC. 312. GEORGE McGOVERN-ROBERT DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM

(a) In General.—The President may, subject to subsection (j), direct the procurement of commodities and the provision of financial and technical assistance to carry out—

(1) preschool and school feeding programs abroad in foreign countries to improve food security, reduce the incidence of hunger, and improve literacy and primary education, particularly with respect to girls; and

(2) maternal, infant, and child nutrition programs for pregnant women, nursing mothers, infants, and children who are five years of age or younger.

(b) Eligible Commodities and Cost Items.—Notwithstanding any other provision of law, any agricultural commodity is eligible for distribution under this section; and

(1) any agricultural commodity is eligible for cost items under this section.

(2) as necessary to achieve the purposes of this section.

(c) Accessibility of Commodities.—A grantee may be used to pay the transportation costs incurred in moving commodities (including prepositioned commodities provided under this section from the designated ports of entry) or to meet any of such entities under this section; and

(d) Commodities available for distribution in recipients, or to meet the allowable administrative expenses of private voluntary organizations, cooperatives, or intergovernmental organizations which are implementing activities under this section; and

(e) for the purposes of this section, the term “agricultural commodities” includes any accessory, accessory product, or the products thereof, produced in the United States.

(f) General Authorities.—The President shall designate one or more Federal agencies to—

(1) implement the program established under this section;

(2) ensure that the program established under this section is consistent with the foreign policy and development assistance objectives of the United States; and

(3) determine whether a country should receive assistance under this section, whether the government of the country is taking concrete steps to improve the preschool and school systems in its country.

(g) Eligible Recipients.—Assistance may be provided under this section to private voluntary organizations, intergovernmental organizations, governments, and their agencies, and other organizations.

(h) Procedures.—(1) In general. In carrying out subsection (a) the President shall assure that procedures are established that—

(A) provide for the submission of proposals by eligible recipients, each of which may include one or more recipient countries, for commodities and other assistance under this section;

(B) provide for eligible commodities and assistance on a multi-year basis; and

(C) ensure eligible recipients demonstrate the organizational capacity and the ability to design, implement, report on, and provide accountability for activities conducted under this section.

(2) For the expedited development, review, and approval of proposals submitted in accordance with this section;

(E) ensure monitoring and reporting by eligible recipients on the use of commodities and other assistance provided under this section;

(F) allow for the sale or barter of commodities by eligible recipients to acquire funds to implement activities that improve the food security of women and children or otherwise enhance the effectiveness of programs and activities authorized under this section.

(g) Eligible Recipients. Under this section, whether the government of the United States or foreign countries to storage and distribution costs; and

(h) Eligible Recipients. Under this section, whether the government of the United States or foreign countries to storage and distribution costs; and

(i) Eligible Recipients. Under this section, whether the government of the United States or foreign countries to storage and distribution costs; and

(j) Funding. In general. There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2002 through 2011. Nothing in this section shall be interpreted to preclude the use of authorities in effect before the date of the enactment of this Act to carry out the ongoing Global Food for Education Initiative.

(ii) As otherwise necessary to achieve the purposes of this section may be used to pay the administrative expenses of any agency of the Federal Government implementing or assisting in the implementation of this section.

## SEC. 315. STUDY ON FEES FOR SERVICES

(a) Study.—Not later than one year after the date of enactment of this Act, the Secretary shall provide to the designated congressional committees a report on the feasibility of instituting a program which would charge and retain a fee to cover the costs of providing the services performed abroad on matters within the authority of the Department of Agriculture administered through the Foreign Agricultural Service for performing such services.

(b) Definition.—In this section, the term “designated congressional committees” means the Committee on Agriculture of the United States House of Representatives and the Committee on International Relations of the Senate.

## SEC. 314. NATIONAL EXPORT STRATEGY REPORT

(a) Report.—Not later than one year after the date of enactment of this Act, the Secretary shall provide to the designated congressional committees a report on the policies and programs that the Department of Agriculture has undertaken to implement the National Export Strategy Report. The report shall contain a description of the effective coordination of these policies and programs through all other appropriate Federal agencies, including in the Trade Promotion Coordinating Committee and the steps the Department of Agriculture is taking to reduce the level of protectionism in agricultural trade, to foster market growth, and to improve the commercial potential of markets in both developed and developing countries for United States agriculture.

(b) Definition.—In this section, the term “designated congressional committees” means the Committee on Agriculture of the United States House of Representatives and the Committee on International Relations of the Senate.
means the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition, and For- estry of the Senate.

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

SEC. 401. SIMPLIFIED DEFINITION OF INCOME.

Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (5), by striking “and (C)” and inserting “(C)”;

(2) in paragraph (6), by striking “and (C)” and inserting “(C)”;

(3) in paragraph (7), by striking “and (C)” and inserting “(C)”; and

(4) by inserting at the end the following:

“(a) TERMINATION.—In the final month of the transitional benefits period under paragraph (2), the State agency shall—

(A) require a household to cooperate in a redetermination of eligibility to receive an authorization card; and

(B) renew eligibility for a new certification period for the household without regard to whether the previous certification period has expired.

(b) LIMITATION.—A household sanctioned under section 6, or for a failure to perform an action required by Federal, State, or local law relating to such cash assistance program, shall not be eligible for transitional benefits under this subsection.

(c) CONFORMING AMENDMENTS.—(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended to strike the 12(c)(1) limitation and to add at the end the following: “The limitations in this section may be extended until the end of any transitional benefit period established under section 11(e).”

(2) Section 6(c) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)) is amended by striking “No household” and inserting “Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s), no household”.

SEC. 402. STANDARD DEDUCTION.

Section 5(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) by striking “$134, $229, $189, $269, and $118” and inserting “equal to 9.7 percent of the eligibility limit established under section 5(c) for fiscal year 2002 but not more than $134, $229, $189, and $118;” and

(2) by inserting at the end the following:

“: except that the standard deduction for Guam shall be determined with reference to 2 times the eligibility limits under section 5(c)(1) for fiscal year 2002 for the 48 contiguous states and the District of Columbia.”

SEC. 403. TRANSITIONAL FOOD STAMPS FOR FAMILIES RECEIVING ALL FAMILIES HOMELAND SECURITY FUNDING.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following:

“(e)(1) The Secretary shall expend up to $10 million in each fiscal year for which the amount is determined under this clause; and

“(2) the Secretary determines that a State agency shall receive an amount equal to the allotment received in the month immediately preceding the date on which cash assistance is terminated. A household receiving benefits under this subsection may apply for re-certification no more than 30 days before the end of the transitional benefit period. If a household re-applies, its allotment shall be determined without regard to this subsection for all subsequent months. If the Secretary determines that the State agency does not consider when determining eligibility for cash assistance under a program funded under part A of title XIX of the Social Security Act, the State agency may exclude earned income, payments under part A of title IV of the Social Security Act, and educational benefits, and the like, are re-considered when determining eligibility for cash assistance under part A of title IV of the Social Security Act, the State agency may exclude it under this subsection,;

“(3) in paragraph (5), by striking “and (C)” and inserting “(C)”;

(3) by inserting at the end the following:

“(a) IN GENERAL.—Under paragraph (9), a household may continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

(b) TRANSITIONAL BENEFITS PERIOD.—Under paragraph (9), a household may continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

(c) LIMITATION.—A household that received cash assistance under a State program funded under part A of title XIX of the Social Security Act (42 U.S.C. 601 et seq.), and received benefits under paragraph (2), shall receive an amount equal to the allotment received in the month immediately preceding the date on which cash assistance is terminated. A household receiving benefits under this subsection may apply for re-certification no more than 30 days before the end of the transitional benefit period. If a household re-applies, its allotment shall be determined without regard to this subsection for all subsequent months. If the Secretary determines that the State’s administration has been deficient, the Secretary shall require the State agency to take prompt corrective action.

(d) IMPACT.—The amendment made by this section shall not apply to all fiscal years beginning on or after October 1, 2001, and ending before October 1, 2007. All other amendments made by this section shall apply to all fiscal years beginning on or after October 1, 2001.

SEC. 404. QUALITY CONTROL SYSTEMS.

(1) TARGETED QUALITY CONTROL SYSTEM.—Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)(5)) is amended by—

(a) by striking “(A)” in the matter preceding clause (1), by inserting “The Secretary determines that a household meets the criteria for targeted quality control,” and by inserting “and” after “and”; and

(b) by striking “The Secretary determines that a household is in need of targeted quality control,” and by striking “and” after “and”.

SEC. 405. SIMPLIFIED APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS.

(i) SIMPLIFIED OF SYSTEMS.—The Secretary shall expend up to $10 million in each fiscal year to fund 100 percent of the costs of State agencies to develop and implement simple application and eligibility determination systems.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)(vii) by striking “fiscal years 2001” and inserting “fiscal years 2001 through 2003”;

(2) in subparagraph (B) by striking “$1,000,000 each” and inserting “$5,000,000 each”;

(3) in subparagraph (C) by striking “$2,500,000 each” and inserting “$7,500,000 each”;

(4) in subparagraph (D) by striking “$1,000,000 each” and inserting “$3,000,000 each”;

(5) in subparagraph (E) by striking “$5,000,000 each” and inserting “$15,000,000 each”; and

(6) in subparagraph (F) by striking “$10,000,000 each” and inserting “$30,000,000 each”.


(c) CASHER PAYMENT PILOT PROJECTS.—Section 17(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(i)(1)(A)) is amended by striking “1992 through 2002” and inserting “2002 through 2011”.

(d) OUTREACH DEMONSTRATION PROJECTS.—Section 17(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(i)(1)(A)) is amended by striking “1992 through 2002” and inserting “2002 through 2011”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)(1)) is amended by striking “fiscal years 2001 through 2002” and inserting “fiscal years 2001 through 2011”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)(1)) is amended by striking “fiscal years 2001 through 2002” and inserting “2002 through 2011”.

(g) TERRITORY OF AMERICAN SAMOA.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is amended by striking “1996 through 2002” and inserting “2002 through 2011”.

(h) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b)(2)) is amended—

(1) in subparagraph (A) by striking “and” at the end; and

(2) in subparagraph (B)
lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

(E) These 2 outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

(b) Establishment.—There is established as an independent entity of the legislative branch of the United States Government the Congressional Hunger Fellows Program (hereinafter in this section referred to as the “Program”).

(c) Board of Trustees.—

(1) In general.—The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) Members of the Board of Trustees.—

(A) Appointment.—The Board shall be composed of 6 voting members appointed under clause (i) and 1 nonvoting ex officio member designated in clause (ii) as follows:

(i) Voting members.—(I) The Speaker of the House of Representatives shall appoint 2 members.

(II) The minority leader of the House of Representatives shall appoint 1 member.

(III) The majority leader of the Senate shall appoint 2 members.

(IV) The minority leader of the Senate shall appoint 1 member.

(ii) Nonvoting member.—The Executive Director of the program shall serve as a nonvoting ex officio member of the Board.

(3) Terms.—Members of the Board shall serve a term of 4 years.

(C) Vacancy.—

(i) Authority of board.—A vacancy in the membership of the Board does not affect the power of the remaining members to carry out this section.

(ii) Appointment of successors.—A vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(iii) Incomplete term.—If a member of the Board does not serve the full term applicable to the member, the remaining members of the Board may fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(D) Chairperson.—The Chairperson of the Board of Trustees shall be the Chairperson of the Board of Trustees.

(E) Compensation.—

(i) In general.—Subject to clause (i), members of the Board may not receive compensation for service on the Board.

(ii) Travel.—Members of the Board may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the program.

(3) Duties.—

(A) Bylaws.—(I) The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out its functions, including the duties described in this paragraph.

(ii) Content.—Such bylaws and other regulations shall include provisions—

(I) for appointment, removal, supervision, and oversight of the Board, and the Board’s account, accountability, and operating principles;

(II) to prevent any conflict of interest, or the appearance of any conflict of interest, in the selection of the Board, the Board shall transmit to the appropriate congressional committees a copy of such bylaws.

(B) Budget.—For each fiscal year the program is in operation, the Board shall determine a budget for the program for that fiscal year. All spending by the program shall be pursuant to such budget unless a change is approved by the Board.

(C) Process for selection and placement of fellows.—The Board shall review and approve the process established by the Executive Director for the selection of individuals in the fellowships developed under the program.

(D) Allocation of funds to fellowships.—The Board of Trustees shall determine the priority of the programs to be carried out under this section and the amount of funds to be allocated for the Emerson and Leland fellowships.

(d) Purposes: Authority of Program.—

(1) Purposes.—The purposes of the program are—

(A) to encourage future leaders of the United States to pursue careers in humanitarian service, to recognize the needs of people who are hungry and poor, and to provide assistance and compassion for those in need;

(B) to increase awareness of the importance of public service; and

(C) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

(2) Authority.—The program is authorized to carry out such purposes by carrying out the purposes of this section, including the fellowships described in paragraph (3).

(3) Fellowships.—

(A) In general.—The program shall establish and carry out the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowship.

(B) Curriculum.—

(i) In general.—The fellowships established under subparagraph (A) shall provide experience and training to develop the skills and understanding necessary to improve the human condition for those who suffer from hunger, including—

(II) experience in direct service to the hungry in conjunction with community-based organizations through a program of field placement; and

(ii) experience in policy development through placement in a governmental or nonprofit organization.

(iii) Focus of bill emerson hunger fellowship.—The Bill Emerson Hunger Fellowship shall address hunger and other humanitarian needs in the United States.

(D) Focus of mickey leland hunger fellowship.—The Mickey Leland Hunger Fellowship shall address international hunger and other humanitarian needs.

(W) Workplan.—To carry out clause (i) and to assist in the evaluation of the fellowships under paragraph (4), the program shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities related to those objectives.

(E) Period of fellowship.—The Bill Emerson Hunger Fellowship awarded under this paragraph shall be for no more than 1 year.

(F) Leland fellowship.—A Mickey Leland Hunger Fellowship awarded under this paragraph shall be for no more than 2 years. Not less than one year of the fellowship shall be
dedicated to fulfilling the requirement of subparagraph (B)(i)(I).

(2) LIMITATION.—The Secretary may not transfer to the program the amounts appropriated to the Fund under subsection (I).

(3) USE OF FUNDS.—Funds transferred to the program under paragraph (1) shall be used for the following purposes:

(A) STIPENDS FOR FELLOWS.—To provide for a living allowance for the fellows.

(B) TRAVEL.—To defray the costs of transportation of the fellows to the fellowship placement sites.

(C) INSURANCE.—To defray the costs of appropriate insurance of the fellows, the program, and the Board.

(D) TRAINING OF FELLOWS.—To defray the costs of professional training and midservice education and training of fellows.

(E) SUPPORT STAFF.—Staff described in subsection (g).

(F) AWARDS.—End-of-service awards under subsection (d)(3)(D)(ii).

(G) ADDITIONAL APPROVED USERS.—For such other purposes that the Board determines appropriate to carry out the program.

(4) AUDIT BY GAO.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an annual audit of the program.

(B) BOOKS.—The program shall make available to the Comptroller General all books, accounts, financial records, reports, files, and other documents and all other papers, things, or property belonging to or in use by the program and necessary to facilitate such audit.

(C) REPORT.—The Comptroller General shall submit a copy of the results of each audit to the appropriate congressional committees.

(g) STAFF; POWERS OF PROGRAM.

(1) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Board shall appoint an Executive Director of the program who shall carry out such other functions as the Board directs. The Executive Director may not serve as Chairperson of the Board.

(B) COMPENSATION.—The Executive Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of additional personnel of the program. The Executive Director considers necessary and appropriate to carry out the functions of the provisions of this section.

(B) COMPENSATION.—An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate of basic pay payable for level GS-15 of the General Schedule.

(3) POWERS.—In order to carry out the provisions of this section, the program may perform the following functions:

(A) GIFTS.—The program may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the program. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Fund and shall be available for disbursement upon order of the Board.

(B) EXPERTS AND CONSULTANTS.—The program may procure temporary and intermittent services of experts and consultants of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual maximum rate of basic pay payable for GS-17 of the General Schedule.

(C) CONTRACT AUTHORITY.—The program may contract, with the approval of a majority of the members of the Board, with and compensate Government and private agencies or persons without regard to section 709 of the Revised Statutes (41 U.S.C. 5).

(2) OTHER APPROPRIATIONS.—The program shall make such other expenditures which the program considers necessary to carry out the provisions of this section, but excluding project development costs.

(b) REPORT.—Not later than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the program carried out during the previous fiscal year, and shall include the following:

(1) An analysis of the evaluations conducted under subsection (d)(4) relating to evaluations of the Emerson and Leland fellowships and accomplishment of the program purposes during that fiscal year.

(2) A statement for the total amount of funds attributable to gifts received by the program in that fiscal year (as authorized under subsection (g)(3)(A)), and the total amount of funds carried over to carry out the program that fiscal year.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out the provisions of this section.

(j) DEFINITION.—In this section, the term ‘‘appropriate congressional committees’’ means:

(1) the Committee on Agriculture and the Committee on International Relations of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations of the Senate.

SEC. 503. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect on October 1, 2002.

TITLE V—CREDIT

SEC. 501. ELIGIBILITY OF LIMITED LIABILITY COMPANIES, PARTNERSHIPS, AND CORPOFATIONS, AND EMERGENCY LOANS.

(a) Sections 310(a), 311(a), and 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a), 1941(a), and 1961(a)) are each amended by striking ‘‘and joint operations’’ each place it appears and inserting ‘‘and joint operations, and limited liability companies’’.

(b) Section 321(a) of such Act (7 U.S.C. 1961(a)) is amended by striking ‘‘or joint operations’’ each place it appears and inserting ‘‘joint operations, or limited liability companies’’.

SEC. 502. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

During the period beginning January 1, 2002, and ending December 31, 2006, section 319(b) of the Consolidated Farm Act same as section 319(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949(b)) shall have no force or effect.

SEC. 503. ADMINISTRATION OF CERTIFIED LENDERS AND CERTIFIED FARM AND RURAL DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—Section 331(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)) is amended—

(1) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(2) by inserting after paragraph (1) the following:

(10) Administer the loan guarantee program under section 339(c) through central offices established in States or in multi-State areas.”.

CONFORMING AMENDMENT.—Section 331(c) of such Act (7 U.S.C. 1981(c)) is amended by striking “(b)(5)” and inserting “(b)(6)”. 
SEC. 504. SIMPLIFIED LOAN GUARANTEE APPLICATION AVAILABLE FOR LOANS OF GREATER AMOUNTS.

Section 322(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(e)(1)) is amended by striking “$50,000” and inserting “$150,000.”

SEC. 505. ELIMINATION OF REQUIREMENT THAT SECRETARY REQUIRE COUNTY COMMITTEES TO CERTIFY IN WRITING THAT CERTAIN LOAN REVIEWS HAVE BEEN CONDUCTED.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) is amended—

(1) in subsection (c)(4)(A), by inserting “, except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)” after “subsection (b)” and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(2) in subsection (d)(4)(A), by inserting “, except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)” after “subsection (b)” and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 506. AUTHORITY TO REDUCE PERCENTAGE REQUIRED TO GUARANTEE A LOAN WHERE INCOME IS INSUFFICIENT TO SERVICE DEBT.

Section 399 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989) is amended—

(1) in subsection (c)(4)(A), by inserting “, except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)” after “subsection (b)” and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(2) in subsection (d)(4)(A), by inserting “, except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)” after “subsection (b)” and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 507. TIMING OF LOAN ASSESSMENTS.

Section 399(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006b(a)) is amended by striking “After an application for a loan under section 399 of this title has been received by the Secretary, the Secretary shall make a determination as to whether the applicant is eligible for a loan” and inserting “(A) in subparagraph (B) of paragraph (2), by striking paragraph (2)” after “paragraph (2)” and inserting “and in paragraph (3), by inserting before the period "or"” after “period” and in paragraph (3), by inserting before the period “or” after “period”.

SEC. 508. MAKING AND SERVING OF LOANS BY PERSONNEL OF STATE, COUNTY, OR AREA COMMITTEES.

(a) In General.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2006) is amended by adding at the end the following:

“SEC. 376. MAKING AND SERVING OF LOANS BY PERSONNEL OF STATE, COUNTY, OR AREA COMMITTEES.

“The Secretary shall employ personnel of a State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)(5)) to make and serve loans under this title to the extent the personnel have been trained to do so.”

(b) Inapplicability of Finality Rule.—Section 281(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001(a)(1)) is amended by inserting “, except functions performed pursuant to section 376 of the Consolidated Farm and Rural Development Act” before “for all purposes”.

SEC. 509. ELIGIBILITY OF EMPLOYEES OF STATE, COUNTY, OR AREA COMMITTEE FOR LOANS AND LOAN GUARANTEES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2006) is further amended by adding at the end the following:

“SEC. 377. ELIGIBILITY OF EMPLOYEES OF STATE, COUNTY, OR AREA COMMITTEE FOR LOANS AND LOAN GUARANTEES.

“The Secretary shall not prohibit an employee of a State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)(5)) or an employee of the Department of Agriculture from obtaining a loan or loan guarantee under subtitle A, B or C of this title if an office of the Department of Agriculture other than the office in which the employee is located determines that the employee is otherwise eligible for the loan or loan guarantee.”

SEC. 510. EMERGENCY LOANS IN RESPONSE TO AN ECONOMIC EMERGENCY RESULTING FROM QUARANTINES AND SHARPLY INCREASING ENERGY COSTS.

(a) Loan Authority.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in each of the following paragraphs—

(A) by striking “a natural disaster in the United States or by” and inserting “a quarantine imposed by the Secretary under the Plant Protection Act or the animal quarantine laws (as defined in section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990), an economic emergency resulting from sharply increasing energy costs as described in section 329(b), a natural disaster in the United States, or”; and

(B) by inserting “Robert T. Stafford” before “Disaster Relief and Emergency Assistance Act”; and

(2) in the 4th sentence—

(A) by striking “a natural disaster” and inserting “such quarantine, economic emergency, or natural disaster”; and

(B) by striking “by such natural disaster” and inserting “by such quarantine, economic emergency, or natural disaster”.

(b) Conforming Amendment.—Section 323 of such Act (7 U.S.C. 1963) is amended—

(1) by striking “quarantine,” before “natural disaster”; and

(2) by inserting “or referred to in section 321(a), including, notwithstanding any other provision of this title, an economic emergency resulting from sharply increasing energy costs as described in section 329(b), after “emergency.”

(c) Sharply Increasing Energy Costs.—Section 329 of such Act (7 U.S.C. 1969) is amended—

(1) by striking all that precedes “Secretary shall” and inserting the following:

“SEC. 329. LOSS CONDITIONS.

(a) In General.—Except as provided in subsection (b), the Secretary may make a loan to a borrower in situations where—

(1) the price of electricity, gasoline, diesel fuel, natural gas, propane, or other equivalent fuel, in any area or local market, has increased by 30 percent over the 12-month period ending on the date of the enactment of this Act; or

(2) the 5-year period ending on January 1, 2001, or

(2) the period the person has been engaged in the business.

(b) Loan Authorization.—The Secretary shall, in the circumstances described in subsection (a), make a loan to a borrower in connection with breeding, boarding, raising, training, or selling horses, during the shorter of—

(1) the 5-year period ending on January 1, 2001; or

(2) the period the person has been engaged in the business.

(c) Eligibility.—A horse breeder shall be eligible for a loan under this section if the Secretary determines that, as a result of a quarantine or a natural disaster—

(1) during the period beginning January 1, 2001, and ending October 1, 2000, or during the period beginning January 1, 2001, and ending October 1, 2001—

(A) 30 percent or more of the mares owned by the breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(B) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(2) during the period beginning January 1, 2000, and ending on September 30, 2002, the breeder was unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(3) the breeder is not able to obtain sufficient credit or to obtain sufficient credit to buy, lease, or otherwise acquire the horse or horses the breeder is entitled to acquire, if the meaning of section 321(a) of the Consolidated Farm and Rural Development Act).
(d) Amount.—

(1) In general.—Subject to paragraph (2), the Secretary shall determine the amount of a loan to be made to a horse breeder under this section that covers the 1-year period that begins 1 year after the date of the enactment of this section, and the financial needs of the breeder, as a result of a more reproductive loss syndrome.

(2) Maximum amount.—The term ‘loan made under this section’ shall not exceed $500,000.

(e) Term.—

(1) In general.—Subject to paragraph (2), the term for repayment of a loan made to a horse breeder under this section shall be determined by the Secretary based on the ability of the borrower to repay the loan.

(2) Maximum term.—The term of a loan made under this section shall not exceed 15 years.

(f) Interest rate.—Interest shall be payable on a loan made under this section, at the rate prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act.

(g) Security.—Security shall be required on a loan made under this section, in accordance with section 324(d) of the Consolidated Farm and Rural Development Act.

(h) Application.—To be eligible to obtain a loan under this section, a horse breeder shall submit to the Secretary an application for a loan to be made under this section.

(i) Funding.—The Secretary shall carry out this section using funds available for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act.

(j) Termination.—The authority provided by this section shall terminate on September 30, 2003.

SEC. 517. SUNSET OF DIRECT LOAN PROGRAMS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) In general.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008) is amended by inserting after section 344 the following:

``SEC. 345. SUNSET OF DIRECT LOAN PROGRAMS.

``(a) In general.—Except as provided in subsection (b), beginning 5 years after the date of the enactment of this section, the Secretary may not make a direct loan under section 344 on or after September 30, 2002.

``(b) Exceptions.—Subsection (a) shall not apply to any authority to make direct loans to youths, qualified beginning farmers or ranchers, or members of disadvantage groups.

``(c) No effect on existing contracts.—Subsection (a) shall not be construed to permit the termination of any contract entered into before the 5-year period described in subsection (a).''

(b) Evaluation of direct and guaranteed loan programs.—

(1) Studies.—The Secretary of Agriculture shall conduct 2 studies of the direct and guaranteed loan programs under sections 302 and 312 of the Consolidated Farm and Rural Development Act, each of which shall include an examination of the number, average principal amount, and delinquency and default rates of loans provided or guaranteed during the period covered by the study.

(2) Periods covered.—

(A) First study.—A study under paragraph (1) shall cover the 1-year period that begins 1 year after the date of the enactment of this section.

(B) Second study.—A study under paragraph (1) shall cover the 1-year period that begins 3 years after such date of enactment.

(3) Reports to Congress.—At the end of the period covered by a study under this subsection, the Secretary of Agriculture shall submit to the Congress a report that contains an evaluation of the results of the study, including an analysis of the effectiveness of loan programs referred to in paragraph (1) in meeting the credit needs of agricultural producers in an efficient and fiscally responsible manner.

SEC. 518. DEFINITION OF DEBT FORGIVENESS.

Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a(12)(B)) is amended to read as follows:

``(B) Exception.—The term ‘debt forgiveness’ does not include—

``(i) consolidation, rescheduling, re-amortization, or modification of a loan; or

``(ii) any write-down provided as a part of a resolution of a discrimination complaint against the Secretary.”

SEC. 519. LOAN ELIGIBILITY FOR BORROWERS WITH DEBT FORGIVENESS.

Section 373(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008b(b)(1)) is amended to read as follows:

``(1) Prohibitions.—Except as provided in paragraph (2)—

``(A) the Secretary may not make a loan under this title to a borrower who, on more than 2 occasions, received debt forgiveness on a loan made or guaranteed under this title; and

``(B) the Secretary may not guarantee a loan under this title to a borrower who, on more than 3 occasions, received debt forgiveness on a loan made or guaranteed under this title.

``(2) Periods covered.

``(A) the Secretary shall determine the amount of debt forgiveness under this title; and

``(B) the Secretary shall determine the amount of debt forgiveness under this title.”

SEC. 520. ALLOCATION OF CERTAIN FUNDS FOR SOCIALYALLY DISADVANTAGED FARMERS AND RANCHERS.

The last sentence of section 555(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(2)) is amended to read as follows:

``Any funds reserved and allocated under this paragraph but not used within a State shall, to the extent necessary to satisfy pending applications under this title, be available for use by socially disadvantaged farmers and ranchers in other States, as determined by the Secretary, and any remaining funds shall be reallocated within the State.”

SEC. 521. HORSES CONSIDERED TO BE LIVESTOCK UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by adding at the end the following:

``(c) Livestock.—Horses.—The term ‘livestock’ includes horses.”

TITLE VI—RURAL DEVELOPMENT

SEC. 601. FUNDING FOR RURAL LOCAL TELEVISION BROADCAST SIGNAL LOAN PROGRAM.

Section 101(a) of the Launching Our Communities’ Access to Local Television Act of 2000 (title X of H.R. 5548, as enacted by section 1(a)(2) of Public Law 106–553) is amended by adding at the end the following:

``(i) to develop strategies for the ventures made available, to the applicant, to increase the use of the applicant, and the goals of the applicant for the grants and assistance sets forth a plan, in accordance with regulations which shall be prescribed by the Secretary, outlining support of the applicant in the rural development, the technical and other expertise of the applicant, and the goals of the applicant for increasing and improving the ability of local producers to develop markets and products for value-added agricultural products; and

``(ii) the applicant demonstrates that resources (in cash or in kind) of definite value are available, or have been committed to be made available, to the applicant, to increase and improve the ability of local producers to develop markets and products for value-added agricultural products; and

``(iii) the applicant shall have a board of directors comprised of representatives of the following groups:
(A) The 2 general agricultural organizations with the greatest number of members in the State in which the applicant is located.
(B) The Department of Agriculture or similar State organization or department, for the State.
(C) Organizations representing the 4 highest categories of all such grants shall be the board of directors of the entity.

d. GRANTS AND ASSISTANCE.—
(1) IN GENERAL.—Subject to subsection (g), the Secretary shall make annual grants to eligible applicants under this section, each of which grants shall not exceed the lesser of—
(A) $1,000,000; or
(B) twice the dollar value of the resources (in cash or in kind) that the applicant has demonstrated are available, or have been committed to be made available, to the applicant in accordance with subsection (c)(1)(C).

(2) INITIAL LIMITATION.—In the first year of the demonstration program under this section, the Secretary shall make grants under this section, on a competitive basis, to not more than 5 eligible applicants.

(3) EXPANSION OF DEMONSTRATION PROGRAM.—In the second year of the demonstration program under this section, the Secretary may make grants under this section to not more than 10 eligible applicants, in addition to any entities to which grants are made under paragraph (2) for such year.

(4) STATE LIMITATION.—In the first 3 years of the demonstration program under this section, the Secretary shall not make an Agricultural Innovation Center Demonstration Program grant under this section to more than 1 State by a single State.

e. Use of Funds.—An entity to which a grant is made under this section may use the grant only for the following purposes, but only to the extent that the use is not described in section 231(d) of the Agricultural Risk Protection Act of 2000:

(1) Applied research.
(2) Consulting services.
(3) Hiring of employees, at the discretion of the board of directors of the entity.

(4) The making of matching grants, each of which shall be, at the option of the applicant, in cash or in kind, to agricultural producers, so long as the aggregate amount of all such matching grants shall be not more than $50,000.

(f) Rule of Interpretation.—This section shall not be construed to prevent a recipient of a grant from under this section from collaterally assigning the demonstration program under this section to activities conducted using the grant.

(g) Availability of Funds.—Of the amount made available under section 231(a)(1) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1621 note), the Secretary shall use to carry out this section—

(1) not less than $5,000,000 for fiscal year 2002; and
(2) not less than $10,000,000 for each of the fiscal years 2003 and 2004.

(h) Report on Best Practices.—

(1) EFFECTS ON THE AGRICULTURAL SECTOR.—The Secretary shall utilize $300,000 per year of the funds made available pursuant to this section to support research at any university into the effects of value-added projects on agricultural producers and the commodity markets. The research should systematically examine possible effects on demand for agricultural commodities, market prices, farm income, and Federal outlays on programs. The research should look to the long-term, global projections of the agricultural sector.
H6216

CONGRESSIONAL RECORD—HOUSE

October 3, 2001

(B) AVAILABILITY.—Funds made available pursuant to subparagraph (A) shall remain available without fiscal year limitation.

(c) USE OF FUNDS.—The amounts made available pursuant to paragraphs (a) and (b) may be used as the Secretary deems appropriate to carry out any provision of this section.

SEC. 614. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFINISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

(a) IN GENERAL.—Subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2002n) is amended by inserting after the following:

"SEC. 306E. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFINISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

"(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ‘eligible individual’ means such areas as the Secretary determines to be necessary to carry out any provision of this section.

"(b) GRANTS.—The Secretary may make grants to nonprofit organizations for the purposes of financing eligible individuals in obtaining financing for the construction, refinishing, and servicing of individual household water well systems in rural areas that are owned by (or owned to be owned by) the eligible individuals.

"(c) USE OF FUNDS.—A grant made under this section may—

"(1) be used, or invested to provide income to be used, to carry out subsection (b); and

"(2) be used to pay administrative expenses associated with providing the assistance described in subsection (b).

"(d) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give priority to an applicant that has substantial expertise and experience in promoting the safe and productive use of individually-owned household water well systems that are installed.

"(e) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2001.

Sec. 615. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009n) is amended by adding at the end the following:

"SEC. 381P. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

"(a) RURAL AREA DEFINED.—In this section, the term ‘rural area’ means such areas as the Secretary may determine.

"(b) DEFINITION OF NATIONAL RURAL DEVELOPMENT COMMITTEES.—There is established a National Rural Development Partnership (in this section referred to as the Partnership), which shall be composed of—

"(1) the National Rural Development Coordinating Committee established in accordance with subsection (c); and

"(2) State rural development councils established in accordance with subsection (d).

"(c) NATIONAL RURAL DEVELOPMENT COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The National Rural Development Coordinating Committee (in this section referred to as the Coordinating Committee) may be composed of—

"(A) representatives of all Federal departments and agencies with policies and programs that affect or benefit rural areas;

"(B) representatives of national associations of State, local, and tribal governments and intergovernmental and multi-jurisdictional agencies and organizations;

"(C) corporations, businesses, and communities; and

"(D) other national nonprofit organizations that elect to participate in the activities of the Coordinating Committee.

"(2) FUNCTIONS.—The Coordinating Committee may—

"(A) provide support for the work of the State rural development councils established in accordance with subsection (c); and

"(B) develop and facilitate strategies to reduce or eliminate conflicting or duplicative administrative and regulatory impediments confronting the rural areas of the State.

"(d) STATE RURAL DEVELOPMENT COUNCILS.—

"(1) COMPOSITION.—A State rural development council may—

"(A) be composed of representatives of Federal, State, local, and tribal governments, and nonprofit organizations, the private sector, and other entities committed to rural advancement; and

"(B) have a nonpartisan and nondiscriminatory membership that is broad and representative of the economic, social, and political diversity of the State.

"(2) FUNCTIONS.—A State rural development council may—

"(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and non-profit sectors in the planning, programming, and policies that affect the rural areas of the State, and to do so in such a way that provides the greatest degree of flexibility and innovation to meet the unique needs of the State and the rural areas; and

"(B) in conjunction with the Coordinating Committee, develop and facilitate strategies to reduce or eliminate conflicting or duplicative administrative and regulatory impediments confronting the rural areas of the State.

"(e) ADMINISTRATION OF THE PARTNERSHIP.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

"(f) TERMINATION.—The authority provided by this section shall terminate on the date that is 5 years after the date of the enactment of this section.

Sec. 616. ELIGIBILITY OF RURAL EMPOWERMENT ZONES, RURAL ENTERPRISE COMMUNITIES, AND CHAMPION COMMUNITIES FOR DIRECT AND GUARANTEED LOANS AND ESSENTIAL COMMUNITY FACILITIES.

Section 306a(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(a)(1)) is amended by inserting after the 1st sentence the following: ‘‘The Secretary may also make or insure loans to communities that have been designated as rural empowerment zones, rural enterprise communities, or champion communities pursuant to part I of chapter 1 of title 15, United States Code, to carry out any provision of this section.’’

Sec. 617. ELIGIBILITY OF RURAL EMPOWERMENT ZONES, RURAL ENTERPRISE COMMUNITIES, AND CHAMPION COMMUNITIES FOR DIRECT AND GUARANTEED LOANS AND ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(a)(1)) is amended by inserting after the 1st sentence the following: ‘‘The Secretary may also make or insure loans to communities that have been designated as rural empowerment zones, rural enterprise communities, or champion communities pursuant to part I of chapter 1 of title 15, United States Code, to carry out any provision of this section.’’

Sec. 618. LOAN GUARANTEES FOR THE PURCHASE OF STOCK IN A FARMER COOPERATIVE SEEKING TO MODERNIZE OR EXPAND.

Section 310B(g)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922b(g)(2)) is amended by striking ‘‘start-up’’ and all that follows and inserting ‘‘capital stock of a farmer cooperative established for an agricultural purpose.’’.

Sec. 619. INTANGIBLE ASSETS AND SUBORDINATED DEBT REQUIRED TO BE CONSIDERED IN DETERMINING ELIGIBILITY OF FARMER-OWNED COOPERATIVE FOR BUSINESS AND INDUSTRY GUARANTEED LOAN.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922b) is amended by adding at the end the following:

"(b) INTANGIBLE ASSETS AND SUBORDINATED DEBT REQUIRED TO BE CONSIDERED IN DETERMINING ELIGIBILITY OF FARMER-OWNED COOPERATIVE FOR BUSINESS AND INDUSTRY GUARANTEED LOAN.—In determining whether a cooperative organization is eligible for a guaranteed loan under subsection (a)(1), the Secretary may consider the value of the intangible assets and subordinated unsecured debt of the cooperative organization.’’.

Sec. 620. BAN ON LIMITING ELIGIBILITY OF FARMER COOPERATIVE FOR BUSINESS AND INDUSTRY LOAN GUARANTEED BASED ON POPULATION OF AREA IN WHICH COOPERATIVE IS LOCATED.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922b) is further amended by adding at the end of the following:

"(1) SPECIAL RULES APPLICABLE TO FARMER COOPERATIVES UNDER THE BUSINESS AND INDUSTRY LOAN PROGRAM.—In determining whether a cooperative organization is eligible for a guaranteed loan under subsection (a)(1), the Secretary shall not apply any lending restriction based on population to the area in which the cooperative organization is located.’’.

Sec. 621. RURAL WATER AND WASTE FACILITY GRANTS.

Section 306a(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(a)(2)) is amended by striking ‘‘aggregating not to exceed $590,000,000 in any fiscal year’’.

Sec. 622. RURAL WATER CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a national rural water and wastewater circuit rider program that shall be modeled after the National Rural Water Association Rural Water Circuit Rider Program and provide funding from the Rural Utilities Service.

(b) LIMITATIONS ON AUTHORIZATION OF APPOINTMENTS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary of Agriculture $15,000,000 for each fiscal year.
SEC. 705. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking “2002” and inserting “2011”.

SEC. 706. NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(c)(3)) is amended by striking “2002” and inserting “2011”.

SEC. 707. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3197(a)) is amended by striking “2002” and inserting “2011”.

SEC. 708. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1438(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3198(a)) is amended by striking “2002” and inserting “2011”.

SEC. 709. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRAIN COLLEGES, IN CLASSES TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(b)) is amended by striking “2002” and inserting “2011”.

SEC. 710. NATIONAL RESEARCH AND TRAINING CENTENIAL CENTERS AT 1890 LAND-GRAIN INSTITUTIONS.

Sections 1448(a)(1) and (f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(1) and (f)) are amended by striking “2002” each place it appears and inserting “2011”.

SEC. 711. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2000” and inserting “2011”.

SEC. 712. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292(b)(c)) is amended by striking “2002” and inserting “2011”.

SEC. 713. UNIVERSITY RESEARCH.

Subsections (a) and (b) of section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) are amended by striking “2002” and inserting “2011”.

SEC. 714. EXTENSION SERVICE.

Section 1461 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2002” and inserting “2011”.

SEC. 715. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3321) is amended by striking “2002” and inserting “2011”.

SEC. 716. AQUACULTURE RESEARCH FACILITIES.

The first sentence of section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking “2002” and inserting “2011”.

SEC. 717. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(a)) is amended by striking “2002” and inserting “2011”.

SEC. 718. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1653(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5941(b)) is amended by striking “2002” and inserting “2011”.

SEC. 719. HIGH-PRIORITY RESEARCH AND EXTENSION PROGRAMS.

Section 1672(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(h)) is amended by striking “2002” and inserting “2011”.

SEC. 720. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926a(g)) is amended by striking “2002” and inserting “2011”.

SEC. 721. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1675 of the National Agricultural Research, Extension, and Conservation, and Trade Act of 1990 (7 U.S.C. 5927) is amended by striking “2002” and inserting “2011”.

SEC. 722. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

(a) AUTHORIZATION OF APPROPRIATIONS—Section 1684 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5980(g)(1)) is amended by striking “2002” and inserting “2011”.

(b) Carryforward—Section 1664(g)(2) of such Act (7 U.S.C. 5900(g)(2)) is amended by striking “2002” and inserting “2011”.

SEC. 723. ASSISTIVE TECHNOLOGY PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking “2002” and inserting “2011”.

SEC. 724. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking “2002” and inserting “2011”.

SEC. 725. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking “2001” and inserting “2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of such Act (7 U.S.C. 7624(h)) is amended by striking “2002” and inserting “2011”.

SEC. 726. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(e)) is amended by striking “2002” and inserting “2011”.

SEC. 727. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) GENERALLY.—Section 535(b)(1) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2000” and inserting “2002”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 535(c) of such Act is amended by striking “2000” and inserting “2002”.

SEC. 728. 1890 INSTITUTIONS ENDOWMENT GRANTS.

Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2002” and inserting “2003”.

SEC. 729. ENDOWMENT FOR 1894 INSTITUTIONS.

The first sentence of section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2000” and inserting “2002”.

SEC. 730. PRECISION AGRICULTURE.

Section 403(i) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623(i)) is amended by striking “2002” and inserting “2003”.

SEC. 731. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 406(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(h)) is amended by striking “2003” and inserting “2005”.

SEC. 732. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, BARLEY CAUSED BY Fusarium GRAMINEARUM OR BY Tilletia INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(e)) is amended by striking “2003” and inserting “2005”.

SEC. 733. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7639(f)) is amended by striking “2002” and inserting “2005”.

SEC. 734. AGRICULTURAL RESEARCH, Extension, Education, and Economic ADVISORY BOARD.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3198(h)) is amended by striking “2002” and inserting “2005”.

SEC. 735. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLIC AND INDUSTRIAL CARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(d)) is amended by striking “2002” and inserting “2005”.

SECTION 3. Revising the Title of the Act.


There is authorized to be appropriated to the Secretary of Agriculture $5,000,000 for each fiscal year.

SEC. 736. BIOMASS RESEARCH AND DEVELOPMENT.

Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note) is amended by striking “2002” and inserting “2011”.

SEC. 737. AGRICULTURAL EXPERIMENT STATIONS RESEARCH FACILITIES.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390a(4)) is amended by striking “2002” and inserting “2011”.

SEC. 738. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS NATIONAL RESEARCH INITIATIVE.

Section 2(b)(10) of the Competitive, Special, and Facilities Research Act (7 U.S.C. 450i(b)(10)) is amended by striking “2002” and inserting “2011”.

SEC. 739. FEDERAL AGRICULTURAL RESEARCH REORGANIZATION AND AUTHORIZATION OF APPROPRIATIONS.

Section 1431 of the National Agricultural Research, Extension and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1556) is amended by striking “2002” and inserting “2011”.

SEC. 740. COTTON CLASSIFICATION SERVICES.

The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”; 7 U.S.C. 473a) is amended by striking “2002” and inserting “2011”.

SEC. 741. COTTON classifieATION services.

The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”; 7 U.S.C. 473a) is amended by striking “2002” and inserting “2011”.

Subtitle B—Modifications


(a) AUTHORIZATION OF APPROPRIATIONS.—Section 539(a)(1)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by inserting “$50,000” and inserting “$100,000”.

(b) WITHDRAWALS AND EXPENDITURES.—Section 533(c)(4)(A) of such Act is amended by striking “section 309(3)” and all that follows therein and inserting “section 2(a)(7) of the Tribally Controlled College or University Assistance Act of 1978”.

(c) EXPENDITURES.—Section 539(a)(3) of such Act is amended by striking “under sections 534 and 535” and inserting “under sections 534, 535, and 536”.

(d) INWRITING.—Section 532 of such Act is amended by striking paragraphs (3) through (10) and inserting the following:

“(1) Bay Mills Community College.

“(2) Blackfeet Community College.

“(3) Cankdeska Cikana Community College.

“(4) College of Menominee Nation.

“(5) Center for Science, Engineering, and Technology.

“(6) D-Q University.

“(7) Diné College.

“(8) Dull Knife Memorial College.

“(9) Fond du Lac Tribal and Community College.

“(10) Fort Belknap College.

“(11) Fort Berthold Community College.

“(12) Fort Peck Community College.

“(13) Haskell Indian Nations University.

“(14) Institute of American Indian and Alaska Native Culture and Arts Development.

“(15) Lac Courte Oreilles Ojibwa Community College.

“(16) Leech Lake Tribal College.

“(17) Little Hawk College.

“(18) Little Priest Tribal College.

“(19) Nebraska Indian Community College.

“(20) Northwest Indian College.

“(21) Oglala Lakota College.

“(22) Salish Kootenai College.

“(23) Sinte Gleska University.

“(24) Sisseton Wahpeton Community College.

“(25) St. Tanka/Huron University.

“(26) Sitting Bull College.

“(27) Southwestern Indian Polytechnic Institute.

“(28) Stone Child College.

“(29) Turtle Mountain Community College.

“(30) United Tribes Technical College.

“(31) University of Alaska College.

“(32) White Earth Community.

“(33) Winnebago Community College.

“(34) Yakama Nation College.

“(35) Yakama Nation Institute.

“(36) Yakama Nation Trust.

“(37) Yankton College.

“(38) Yankton Dakota/Lakota College.

“(39) Other appropriate institutions of higher education.”

SEC. 742. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT.

Section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3154(4)) is amended—

(1) by striking the end of subparagraph (E) and inserting “; and”;

(2) by adding at the end the following: “(F) is one of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994).”.

SEC. 743. AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT.

(a) PRIORITY MISSION AREAS.—Section 401(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(c)(2)) is amended—

(1) by striking “and” and at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(G) alternative fuels and renewable energy sources.”

(b) PRECISION AGRICULTURE.—Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is amended—

(1) in subsection (a)(5)(F), by inserting “(including improved use of energy inputs)” after “farm production efficiencies”; and

(2) in subsection (4)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

“(d) Improve on farm energy use efficiencies.”

(c) THE JAEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.—Section 405(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624) is amended—

(1) in subsection (a)(5)(F), by inserting “(including improved use of energy inputs)” after “farm production efficiencies”; and

(2) by adding at the end the following new section:

“There is authorized to be appropriated to the Secretary [of Agriculture] to carry out this section for each of fiscal years 2003 through 2011.”

SEC. 744. FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) AGRICULTURAL GENOME INITIATIVE.—Section 1671(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5282(b)) is amended—

(1) in paragraph (3), by inserting “pathogens and before “diseases causing economic hardship”;

(2) in paragraph (4), by striking “and” at the end;

(3) by redesigning paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following new paragraph:

“(7) reducing the economic impact of plant pathogens on commercially important crop plants; and”

(b) HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.—Section 1672(e) of the Food, Agriculture, Conservation, and Trade
Act of 1990 (7 U.S.C. 5925) is amended by adding at the end the following new paragraphs: 

“(25) Research to Protect the United States Food Supply and Agriculture from Bioterrorism—Research grants may be made under this section for the purpose of validating crop loss models, wind erosion models, and validating crop loss models.

“(26) Crop Loss Research and Extension—Research and extension grants may be made under this section for the purpose of validating crop loss models.

“(27) Land Use Management Research and Extension—Research and extension grants may be made under this section for the purposes of evaluating the environmental benefits of land use management tools such as those provided in the Farmland Protection Program.

“(28) Water and Air Quality Research and Extension—Research and extension grants may be made under this section for the purpose of better understanding agricultural impacts to air and water quality and means to address them.

“(29) Revenue and Insurance Tools Research and Extension Grants—Research and extension grants may be made under this section for the purposes of better understanding the impact of revenue and insurance tools on farm income.

“(30) Revenue and Insurance Tools Research and Extension Grants—Research and extension grants may be made under this section for the purpose of researching the use of revenue and insurance tools on farm income.

“(31) Agrotourism Research and Extension—Research and extension grants may be made under this section for the purpose of improving harvesting productivity for fruits and vegetables (including citrus), including the development of mechanical harvesting technologies and effective, economical, and safe abscission compounds.

“(32) Nitrogen-Fixation by Plants—Research and extension grants may be made under this section for the purpose of enhancing the availability and efficiency of legumes, developing new varieties of legumes that fix nitrogen more efficiently, and developing new varieties of other commercially important crops that potentially are able to fix nitrogen.

“(33) Agricultural Marketing—Research and extension grants may be made under this section for the purpose of providing education materials, information, and outreach programs regarding commodity and livestock marketing strategies for agricultural producers and for cooperatives and other marketers of any agricultural commodity, including livestock.

“(34) Environment and Private Lands Research and Extension—Research and extension grants may be made under this section for the purpose of researching the use of computer models to aid in assessment of best management practices on a watershed basis, working with government, industry, and private landowners to help craft industry-led solutions to water quality and environmental issues, researching and monitoring water, air, or soil environmental quality to aid in the development of new approaches to local environmental issues, and working with local, State, and federal officials to help craft effective environmental solutions that respect private property rights and agricultural production.

“(35) Livestock Disease Research and Extension—Research and extension grants may be made under this section for the purpose of identifying possible livestock disease threats, educating the public regarding livestock disease threats, training persons to deal with such threats, and conducting related research.

“(37) Plant Gene Expression—Research and development grants may be made under this section for the purpose of plant gene expression research to accelerate the application of basic plant genomics science to the development and testing of new varieties of enhanced crops that can be used as renewable energy sources, and other alternative uses of agricultural crops.”.


(1) Research designed to identify and develop appropriate management practices to avoid duplication of research activities.

(2) Research designed to develop methods designed to provide analysis, which compares plants and animals and related wild and agricultural ecosystems.

(3) Research designed to further existing knowledge with respect to the characteristics, rates and methods of gene transfer that may occur between genetically engineered plants and animals and related wild and agricultural organisms.

(4) Environmental assessment research designed to provide analysis, which compare the relative impacts of plants and animals modified through genetic engineering to other types of production systems.

(5) Other areas of research designed to further the purposes of this section.

(6) Eligibility Requirements—Grants under this section shall be—

(a) made on the basis of the quality of the proposed research project; and

(b) available to any public or private research or educational institution or organization.

(c) Consultation.—In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service and the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(7) Program Coordination.—The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activities.

SEC. 746. BIOMASS RESEARCH AND DEVELOPMENT.

Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7625 note) is amended—

(1) in section 302(3), by inserting “or biodiesel” after “such as ethanol”;

(2) in section 303(3), by inserting “animal byproducts,” after “fibers,” and

(3) in section 306(b)(1)—

(A) by redesignating subparagraphs (E) through (J) as subparagraphs (F) through (K), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

“(I) research, development, and related activities that are individually conducted with a livestock trade association.”.

SEC. 747. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

Section 1608 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended to read as follows:

“SEC. 1608. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

“(a) Purpose.—It is the purpose of this section—

(1) to authorize and support environmental assessment research to help identify and analyze environmental effects of biotechnology; and

(2) to authorize research to help regulators develop long-term policies concerning the introduction of such technology.

“(b) Grant Program.—The Secretary of Agriculture shall establish a grant program with the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered plants and animals into the environment.

“(c) Types of Research.—Types of research for which grants may be made under this section shall include the following:

(1) Research designed to identify and develop appropriate management practices to minimize physical and biological risks associated with genetically engineered animals and plants once they are introduced into the environment.

(2) Research designed to develop methods to monitor the dispersal of genetically engineered animals and plants.

(3) Research designed to further existing knowledge with respect to the characteristics, rates and methods of gene transfer that may occur between genetically engineered plants and animals and related wild and agricultural organisms.

(4) Environmental assessment research designed to provide analysis, which compare the relative impacts of plants and animals modified through genetic engineering to other types of production systems.

(5) Other areas of research designed to further the purposes of this section.

(6) Eligibility Requirements.—Grants under this section shall be—

(1) made on the basis of the quality of the proposed research project; and

(2) available to any public or private research or educational institution or organization.”.
be appropriated such sums as necessary to carry out this section.

 "(2) WRITTEN REPORT FROM BIOTECHNOLOGY OUTLAYS.—The Secretary of Agriculture shall withhold from outlays of the Department of Agriculture for research on biotechnology risk assessment and determined by the Secretary, at least one percent of such amount for the purpose of making grants under this section for research on biotechnology risk assessment. Except that funding from this authorization should be collected and applied to the maximum extent practicable to risk assessment research on all crops identified as biotechnology by the Secretary.

 SEC. 748. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

Section 26(a) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450(a)) is amended by adding at the end the following new paragraph:

 "(3) DETERMINATION OF HIGH PRIORITY RESEARCH.—Research priorities shall be determined by the Secretary on an annual basis, taking into account input as gathered by the Secretary, the National Agricultural Research, Extension, Education, and Economic Advisory Board.

 SEC. 749. MATCHING FUND REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449 of the National Agricultural Research, Teaching, and Extension Policy Act of 1977 (7 U.S.C. 3222d) is amended—

(1) by adding subsection (c) to read as follows:

 "(c) MATCHING FORMULA.—For each of fiscal years 2003 through 2011, the State shall provide matching funds from non-Federal sources. Such matching funds shall be for an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution, and shall increase by 10 percent each fiscal year thereafter until fiscal year 2007; and

(2) by adding subsection (d) to read as follows:

 "(d) WAIVER AUTHORITY.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c) above the 50 percent level for fiscal year 2011 for an eligible institution of a State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.

 SEC. 749A. MATCHING FUND REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES FOR THE UNITED STATES TERRITORIES.

(a) RESEARCH MATCHING REQUIREMENT.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361(c)(4)) is amended by striking "the same matching funds" and all that follows through the end of the sentence and inserting "matching funds requirements from non-Federal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.

(b) EXTENSION MATCHING REQUIREMENT.—Section 3(e)(4) of the Smith-Lever Act (7 U.S.C. 431(e)(4)) is amended by striking "the same matching funds" and all that follows through the end of the sentence and inserting "matching funds requirements from non-Federal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.

 SEC. 750. INITIATIVE FOR FUTURE AGRICULTURE AND RESEARCH AND EXTENSION ACTIVITIES.

(a) FUNDING.—Section 401(b)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)(1)) is amended to read as follows:

 "(1) IN GENERAL.—

 "(A) TOTAL AMOUNT TO BE TRANSFERRED.—On October 1, 2003, and each October 1 thereafter through 2011, the Secretary of Agriculture shall deposit funds of the Commodity Credit Corporation into the Account. The total amount of Commodity Credit Corporation funds deposited into the Account under this subparagraph shall equal $1,160,000,000.

 "(B) EQUAL AMOUNTS.—To the maximum extent practicable, the amounts deposited into the Account pursuant to subparagraph (A) shall be deposited in equal amounts for each fiscal year.

 "(C) AVAILABILITY OF FUNDS.—Amounts deposited into the Account pursuant to subparagraph (A) shall remain available until expended.

 "(b) AVAILABILITY OF FUNDS.—Funds made available under this section to the Secretary prior to October 1, 2003, for grants under this section shall be available to the Secretary for a 2-year period.

 SEC. 751. CARBON CYCLE RESEARCH.

Section 221 of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 407) is amended—

(1) in subsection (a), by striking "of the amount" and all that follows through "providing" and inserting "To the extent funds are available for this purpose, the Secretary shall provide";

(2) in subsection (d), by striking "under subsection (a)" and inserting "for this section"; and

(3) by adding at the end the following new subsection:

 "(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2002 through 2011 such sums as may be necessary for this section.

 SEC. 752. DEFINITION OF FOOD AND AGRICULTURAL SCIENCES.

Section 233 of the Research Facilities Act (7 U.S.C. 390(c)(3)) is amended to read as follows:

 "(3) FOOD AND AGRICULTURAL SCIENCES.—The term "food and agricultural sciences" has the meaning given that term in section 1404(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 7621(f)(6)).

 SEC. 753. FEDERAL EXTENSION SERVICE.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 439(b)(3)) is amended by striking "$5,000,000" and inserting "such sums as are necessary".

 SEC. 754. POLICY RESEARCH CENTERS.

Section 1419(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(c)(3)) is amended by striking "collect and analyze data" and inserting "collect, analyze, and disseminate data".

 SEC. 755. POLICY RESEARCH CENTERS.

Section 1419(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(c)(3)) is amended by striking "collect and analyze data" and inserting "collect, analyze, and disseminate data".

 Subtitle C—Related Matters

 SEC. 761. RESIDENT INSTRUCTION AT LAND-GRANT COLLEGES IN UNITED STATES TERRITORIES.

(a) PURPOSE.—It is the purpose of this section to promote and strengthen higher education in the food and agricultural sciences at agricultural and mechanical colleges located in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, including any educational institutions of the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and the Secretary is authorized to make grants for the purpose of making grants for the purpose of making such grants under this section to educational institutions of the United States territories.

(b) REVIEW OF CERTAIN DECISIONS.—(1) PLANT PROTECTION ACT.—Section 442 of the Plant Protection Act (7 U.S.C. 7711) is amended by adding at the end the following new subsection:

 "(f) SECURITIES DISCRETION.—The action of any officer, employee, or agent of the Secretary in carrying out this section, including the making of grants under this section, shall not be subject to judicial review.

 SEC. 762. DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTHORIZED ACTIONS.

(a) REVIEW OF PAYMENT OF COMPENSATION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended by inserting before the period the following: "or reviewing any officer of the Government other than the Secretary or the designee of the Secretary.".

(b) REVIEW OF CERTAIN DECISIONS.—(1) PLANT PROTECTION ACT.—Section 442 of the Plant Protection Act (7 U.S.C. 7712) is amended by adding at the end the following new subsection:

 "(f) SECURITIES DISCRETION.—The action of any officer, employee, or agent of the Secretary in carrying out this section, including the making of grants under this section, shall not be subject to judicial review.

 SEC. 763. FEDERAL EXTENSION SERVICE.
officer of the Government other than the Secretary or the designee of the Secretary.”.

(2) OTHER PLANT AND ANIMAL PEST AND DISEASE LAWS.—Section 11 of the Act of May 29, 1984 (42 U.S.C. 1721a; commonly known as the “Animal Industry Act”) and the first section of the Act of September 25, 1981 (7 U.S.C. 170b), are each amended by adding at the end the following: “The action of any officer, employee, or agent of the Secretary in carrying out this section, including the amount of and making any payment authorized to be made under this section, shall not be subject to review by any officer of the Government other than the Secretary or the designee of the Secretary.”.

(c) ADMINISTRATION.—

(1) TIMELINE FOR DETERMINATION.—The Secretary shall determine whether methyl bromide shall be used, and, if so, the treatments or applications required by subsection (a) not later than 90 days after receiving the request for such a determination.

(2) REGULATIONS.—The promulgation of regulations for and the administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture, effective July 24, 1971 (36 Fed. Reg. 13804; relating to notices of proposed rulemaking and public participation in rulemaking); and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(3) REGISTRY.—Not later than 180 days after the date of the enactment of this section, the Secretary shall publish, and thereafter, maintain, a registry of State, local, and tribal requirements authorized by the Secretary under this section.

Subtitle D—Repeal of Certain Activities and Authorities

SEC. 711. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCES.

(a) REPEAL.—Subsections (b) and (c) of section 615 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7661c et seq.) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) GENERALLY.—Section 615 of such Act is amended—

(A) in the section heading, by striking “AND NATIONAL CONFERENCE”;

(B) by striking “(a) FOOD SAFETY RESEARCH INFORMATION OFFICE.”;

(C) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left;

(D) in subsection (b) (as so redesignated), by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left; and

(E) in subsection (c) (as so redesignated), by striking “this subsection” and inserting “this section”.

(2) TABLE OF SECTIONS.—The table of sections for such amendment is amended by removing “and National Conference” in the item relating to section 615.


Section 617 of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105-185; 112 Stat. 607) is repealed.

SEC. 773. NATIONAL GENETIC RESOURCES PROGRAM.

Section 1634 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5833) is repealed.

SEC. 774. NATIONAL ADVISORY BOARD ON AGRICULTURAL WEATHER.

(a) REPEAL.—Section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5834(a)) is repealed.

(b) CONFORMING AMENDMENT.—Section 1640(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5834(b)) is amended by striking “take into” and all that follows through “Weather and”.

SEC. 775. AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.

Section 147b of the National Agricultural Research, Extension and Teaching Policy Amendments of 1985 (Public Law 99-198; 99 Stat. 1553) is repealed.

SEC. 776. PESTICIDE RESISTANCE STUDY.

Section 147c of the National Agricultural Research, Extension, and Teaching Policy Amendments of 1985 (Public Law 99-198; 99 Stat. 1553) is repealed.

SEC. 777. EXPANSION OF EDUCATION STUDY.

Section 1488 of the National Agricultural Research, Extension, and Teaching Policy Amendments of 1985 (Public Law 99-198; 99 Stat. 1553) is repealed.

SEC. 778. SUPPORT FOR ADVISORY BOARD.

(a) REPEAL.—Section 1421 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127 et seq.) is repealed

(b) CONFORMING AMENDMENT.—Section 1422(b) of such Act (7 U.S.C. 3127) is amended by striking “section 1421 of this title”.

SEC. 779. TASK FORCE ON 10-YEAR STRATEGIC PLAN FOR AGRICULTURAL RESEARCH.

(a) REPEAL.—Section 4 of the Research Facilities Act (7 U.S.C. 390h) is repealed.

(b) CONFORMING AMENDMENT.—Section 2 of such Act (7 U.S.C. 390) is amended by striking paragraph (5).

Subtitle E—Agriculture Facility Protection

SEC. 790. ADDITIONAL PROTECTIONS FOR ANIMAL OR AGRICULTURAL ENTERPRISES, RESEARCH FACILITIES, AND OTHER ENTITIES.

(a) DEFINITIONS.—The Research Facilities Act (7 U.S.C. 390 et seq.) is amended—

(1) by redesigning section 6 as section 7; and

(2) by inserting after section 5 the following new section:

“SEC. 6. ADDITIONAL PROTECTIONS FOR ANIMAL OR AGRICULTURAL ENTERPRISES, RESEARCH FACILITIES, AND OTHER ENTITIES.

(1) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(A) ANIMAL OR AGRICULTURAL ENTERPRISE.—The term ‘animal or agricultural enterprise’ means any of the following:

(A)(1) A commercial, governmental, or academic enterprise that uses animals, plants, or other biological materials for food or fiber production, breeding, processing, research, or testing;

(A)(2) A zoo, aquarium, circus, rodeo, or other entity that exhibits or uses animals, plants, or other biological materials for educational or entertainment purposes;

(A)(3) An association, federation, foundation, council, or other group or entity of food or fiber producers, processors, or agricultural or biomedical researchers intended to advance agricultural or biomedical arts and sciences; and

(A)(4) A term that ‘economic damage’ means the replacement of the following:

(A)(1) The cost of lost or damaged property (including costs related to business recovery) directly related to the disruption of an animal or agricultural enterprise.

(A)(2) The cost of replacing an interrupted or invalidated experiment.

(A)(3) The loss of revenue (including costs related to business recovery) directly related to the disruption of an animal or agricultural enterprise.

(A)(4) Any entity that exhibits or uses animals, plants, or other biological materials for educational or entertainment purposes.

(B) ANIMAL OR AGRICULTURAL ENTERPRISE.—The term ‘animal or agricultural enterprise’ means real and personal property of or used by any of the following:

(B)(1) An animal or agricultural enterprise.

(B)(2) An employee of an animal or agricultural enterprise.

(B)(3) A student attending an academic animal or agricultural enterprise.

(B)(4) DISRUPTION.—The term ‘disruption’ does not include any lawful disruption that results from lawful public, governmental, or animal or agricultural enterprise employee reaction to the disclosure of information about an animal or agricultural enterprise.

(B)(5) VIOLATION.—A person may not recklessly, knowingly, or intentionally contribute to the disruption of the functioning of an animal or agricultural enterprise by damaging or causing the loss of any property of an animal or agricultural enterprise.

(B)(6) AMPUTATION.—The term ‘animal or agricultural enterprise’ means any entity that exhibits or uses animals, plants, or other biological materials for educational or entertainment purposes as a result of the damage or loss of the property of an animal or agricultural enterprise.

(B)(7) ASSESSMENT OF CIVIL PENALTY.—

(B)(1) IN GENERAL.—The Secretary may impose on any person that the Secretary determines violates subsection (b) a civil penalty in an amount determined under paragraphs (2) and (3). The civil penalty may be assessed only on the record after an opportunity for a hearing.

(B)(2) RECOVERY OF DEPARTMENT COSTS.—The civil penalty assessed against a Secretary against a person for a violation of subsection (b) shall be not less than the total cost incurred by the Secretary for investigation of the violation, conducting a hearing regarding the violation, and assessing the civil penalty.

(B)(3) RECOVERY OF ECONOMIC DAMAGE.—In addition to the amount determined under paragraph (2), the amount of the civil penalty shall include an amount not less than the total cost (or, in the case of knowing or intentional violation, not more than 25 percent of the total cost) of the economic damage incurred by the animal or agricultural enterprise, any employee of the animal or agricultural enterprise, or any student attending an academic animal or agricultural enterprise as a result of the damage or loss of the property of an animal or agricultural enterprise.

(B)(4) IDENTIFICATION.—The Secretary shall identify for each civil penalty assessed under subsection (c), the portion of the amount of the civil penalty that represents the recovery of Department costs and the portion that represents the recovery of economic losses.

(B)(5) OTHER FACTORS IN DETERMINING PENALTY.—In determining the amount of a civil penalty under subsection (c), the Secretary shall consider the following:
CONGRESSIONAL RECORD — HOUSE
October 3, 2001

H6222

1. The nature, circumstance, extent, and gravity of the violation or violations.
2. The ability of the injured animal or agricultural enterprise to continue to operate, convert the animal or agricultural enterprise to recover lost business, and the effect of the violation on earnings of employees of the animal or agricultural enterprise.
3. The interruptions experienced by students attending an academic animal or agricultural enterprise.
4. Whether the violator has previously violated subsection (a).
5. The violator’s degree of culpability.

(2) The purpose of this section to strengthen the commitment of the Department of Agriculture to sustainable forestry and to establish a coordinated and comprehensive program to cooperate with nonindustrial private forest owners to foster sustainable forest growth in the United States.

(c) Forest Land Enhancement Program—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 3 (16 U.S.C. 2102) the following new section 4:

SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.

(a) Establishment—

(1) Establishment—Purpose.—The Secretary shall establish a Forest Land Enhancement Program (in this section referred to as the Program) for the purpose of providing financial, technical, educational, and related assistance to forest owners to encourage the long-term sustainability of nonindustrial private forest lands in the United States by assisting the owners of such lands in more actively managing their forest and related resources by utilizing existing State, Federal, and private sector resources management expertise, financial assistance, and educational and informational opportunities.

(2) Use of amounts in fund.—The Secretary of Agriculture shall use amounts in the fund to compensate animal or agricultural enterprise to recover lost business, and costs incurred by the animal or agricultural enterprise to help meet future public demand for all forest resources and provide recreation services.

(3) Reduce the risks and help restore, recover, and mitigate the damage to forests caused by fire, insects, invasive species, disease, and damaging weather.

(4) Increase and enhance carbon sequestration opportunities.

(b) Program Objectives.—In implementing the Program, the Secretary shall target resources to achieve the following objectives:

(1) Investment in practices to establish, protect, manage, and enhance the health and productivity of the nonindustrial private forest lands in the United States for timber, habitat for flora and fauna, water quality, and wetlands.

(2) Ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nonindustrial private forest resources to help meet future public demand for all forest resources and provide recreation services.

(c) Coordination.—The Secretary shall implement the Program in coordination with State foresters.

(d) Approved activities.—In developing a nationwide strategy for the implementation of the Program, the Secretary shall cooperate with the State Forester and the State Forest Stewardship Coordinating Committee, shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

(e) Type of activities.—In developing a list of approved activities and practices, the Secretary shall attempt to achieve the following:

(A) The sustainable growth and management of forests for timber production.

(B) The restoration, use, and enhancement of forest wetlands and riparian areas.

(C) The protection of water quality and watersheds through the application of State developed forestry best management practices.

(D) Energy conservation and carbon sequestration purposes.

(E) Habitat for flora and fauna.

(F) The control, detection, and monitoring of invasive species on forestlands as well as preventing the spread and providing for the restoration of lands affected by invasive species.

(G) Hazardous fuels reduction and other management activities that reduce the risks and help restore, recover, and mitigate the damage to forests caused by fire.

(H) The development of forest or stand management plans.

(I) Forest activities approved by the Secretary, in coordination with the State forester and the State Forest Stewardship Coordinating Committee.

(C) In implementing the Program, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, institutions of higher education, and the private sector.

(2) Reimbursement of eligible activities.—In general.—The Secretary shall share the cost of implementing the approved activities that the Secretary determines are appropriate, in the case of an owner that has entered into an agreement to place nonindustrial private forest lands of the owner in the Program.

(3) Rate.—The Secretary shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

(4) Maximum.—The Secretary shall not make payments under this subsection to an owner in an amount in excess of 75 percent of the total cost, or a lower percentage as determined by the State forester, landlord, or private owner for implementing the practices under an approved plan. The maximum payments to any one owner shall be determined by the Secretary.

(5) Consultation.—The Secretary shall make determinations under this subsection in consultation with the State forester.
The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies. The record 2000 fire season is a prime example of what can be expected if action is not taken. These wildfires threaten not only the nation’s forested resources, but the thousands of communities intermingled with the wildlands in the wildland-urban interface. The National Forest System developed in response to the 2000 fire season is the proper, coordinated, and most effective means to address this wildfire issue. Whereas adequate authorities exist to tackle the wildfire issue at the landscape level on Federal lands, there is limited authority to take action on most private lands where the largest threat to life and property lies. There is a significant Federal interest in enhancing community protection from wildfires.

The remedy provided in paragraph (1) is in addition to any other remedy available to the Secretary. The Secretary shall distribute funds available for cost sharing under the Program among the States only after giving appropriate consideration to:

1. The total acreage of nonindustrial private forest land in each State;
2. The potential productivity of such land;
3. The number of owners eligible for cost sharing in each State;
4. The opportunities to enhance non-timber resources on such forest lands;
5. The anticipated demand for timber and nontimber resources in each State;
6. The need to improve forest health to minimize the damaging effects of catastrophic fire, insects, disease, or weather;
7. The need and demand for agroforestry practices in each State.

The term ‘nonindustrial private forest lands’ means lands, as determined by the Secretary, that—

(A) have existing tree cover or are suitable for growing trees; and
(B) are owned or controlled by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity (other than a nonprofit private legal entity) that has definitive decision-making authority over the lands, including through long-term leases and other land tenure systems, for a period of time long enough to ensure compliance with the Program.

The term ‘owner’ includes a private individual, group, association, corporation, Indian tribe, or other private legal entity (other than a nonprofit private legal entity) that has definitive decision-making authority over the lands, and the term ‘private land owner’ includes a private individual, group, association, corporation, tribe, or entity that has definitive decision-making authority over the lands, including through long-term leases and other land tenure systems, for a period of time long enough to ensure compliance with the Program.

The term ‘Secretary’ means the director or other head of a State for- esty, or equivalent State official.

The availability of funds. The Secretary shall use $200,000,000 of funds of the Commodity Credit Corporation to carry out the Program during the period beginning on October 1, 2001, and ending on September 30, 2011.

Conforming Amendment. Section 246(b)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(2)) is amended by striking “firewise” and inserting “Forest Land Enhancement Program”.


(a) EXTENSION AND AUTHORIZATION INCREASE.—Section 6 of the Renewable Resources Extension Act of 1976 (16 U.S.C. 1675) is amended by—

1. by striking “$15,000,000” and inserting “$30,000,000”;
2. by striking “2002” and inserting “2011”.

(b) FUNDING RECOMMENDATION.—The Secretary of Agriculture shall include in the annual assessment a request for funds sufficient to implement the recommendations contained in the assessment for stewardship end result contracts under subsection (c) when the Secretary determines that the objectives of the National Fire Plan are best accomplished through forest stewardship end result contracting.

(c) STEWARDSHIP END RESULT CONTRACTING.—(1) AUTHORITY.—Subject to the amount of funds made available pursuant to subsection (b), the Secretary of Agriculture may enter into stewardship end result contracts to implement the National Fire Plan on National Forest System lands based upon the stewardship treatment schedules provided in the annual assessments under subsection (a). The contracting goals and authorities described in subsections (b) through (f) of section 347 of the Department of the Interior and Related

“(g) RECAPTURE.—

(1) IN GENERAL.—The Secretary shall establish a program to known as the ‘Sustainable Forestry Outreach Initiative’ for the purpose of educating landowners regarding the following:

1. The potential benefits of practicing sustainable forestry;
2. The importance of professional forestry advice in achieving their sustainable forestry objectives;
3. The variety of public and private sector resources available to assist them in planning for and practicing sustainable forestry.

SEC. 804. ENHANCED COMMUNITY FIRE PROTECTION.

(a) FINDINGS.—Congress finds the following:

1. The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.
2. The record 2000 fire season is a prime example of what can be expected if action is not taken.
3. These wildfires threaten not only the nation’s forested resources, but the thousands of communities intermingled with the wildlands in the wildland-urban interface.
4. The National Forest System developed in response to the 2000 fire season is the proper, coordinated, and most effective means to address this wildfire issue.
5. Whereas adequate authorities exist to tackle the wildfire issue at the landscape level on Federal lands, there is limited authority to take action on most private lands where the largest threat to life and property lies.
6. There is a significant Federal interest in enhancing community protection from wildfires.

(b) ENHANCED PROTECTION.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 10 (16 U.S.C. 2106) the following new section:

SEC. 10A. ENHANCED COMMUNITY FIRE PROTECTION.

(a) COOPERATIVE MANAGEMENT RELATED TO WILDERNESS TREATMENTS.—The Secretary may cooperate with State foresters and equivalent State officials in the management of lands in the United States for the following purposes:

1. Aid in wildfire prevention and control.
2. Protect communities from wildfire threats.
3. Enhance the growth and maintenance of trees and forests that promote overall for- est health.
4. Ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of forest cover on watersheds, shelterbelts, and windbreaks.
(b) COMMUNITY AND PRIVATE LAND FI-RE ASSISTANCE PROGRAM.—

1. Establishment; purpose.—The Secretary shall establish a Community and Private Land Fire Assistance program (in this section referred to as the ‘Program’) to—

(A) focus the Federal role in promoting optimal firefighting efficiency at the Fed- eral, State, and local levels;
(B) to augment Federal projects that es- tablish landscape level protection from wildfires.
(C) to expand outreach and education pro- grams to homeowners and communities about fire prevention; and
(D) to provide defensible space around private landowners homes and property against wildfires.

2. Administration and implementation.—The Program shall be administered by the Forest Service and implemented through the State forester or equivalent State offi- cials.

3. Components.—In coordination with existing authorities under this Act, the Sec- retary may undertake on both Federal and non-Federal lands—

(A) fuel hazard mitigation and preven- tion;
(B) invasive species management;
(C) multi-resource wildfire planning;
(D) community protection planning;
(E) community and landowner education enterprises, including the program known as FIREWISE;
(F) market development and expansion;
(G) improved wood utilization;
(H) special restoration projects.

4. Considerations.—The Secretary shall use $200,000,000 of funds of the Commodity Credit Corporation to carry out the Program.

5. Authorization of Appropriations.—There are hereby authorized to be appro- priated to the Secretary $35,000,000 for each of fiscal years 2002 through 2011, and such sums as may be necessary thereafter, to carry out this section.

SEC. 805. INTERNATIONAL FORESTRY PROGRAM.


SEC. 806. LONG-TERM FOREST STEWARDSHIP CONTRACTS FOR HAZARDOUS FUELS REMOVAL AND IMPLEMENTATION OF NATIONAL FIRE PLAN.

(a) ANNUAL ASSESSMENT OF TREATMENT ACREAGE.—Not later than March 1 of each of fiscal years 2002 through 2006, the Secretary of Agriculture shall assess and report an assessment of the number of acres of forested National Forest System lands recommended to be treated during the next fiscal year using stewardship end result contracts au- thorized by subsection (c). The assessment shall be based on the treatment schedules contained in the report entitled “Protecting People and Sustaining Resources in Fire-Adapted Ecosystems”, dated October 13, 2000, and incorporated into the National Fire Plan, and shall include an estimate of acreage by condition class, type of treatment, and treatment year to achieve the restora- tion goals outlined in the report within 10- year time frames. The report shall also include changes in the restoration goals based on the effects of fire, hazardous fuel treatments pursuant to the National Fire Plan, or updates in data.

(b) FUNDING RECOMMENDATION.—The Secretary of Agriculture shall include in the an- nual assessment a request for funds sufficient to implement the recommendations contained in the assessment for stewardship end result contracts under subsection (c) when the Secretary determines that the objectives of the National Fire Plan are best accomplished through forest stewardship end result contracting.

(c) STEWARDSHIP END RESULT CON- TRACTING.—(1) AUTHORITY.—Subject to the amount of funds made available pursuant to subsection (b), the Secretary of Agriculture may enter into stewardship end result contracts to implement the National Fire Plan on National Forest System lands based upon the steward- ship treatment schedules provided in the annual assessments under subsection (a). The contracting goals and authorities described in subsections (b) through (f) of section 347 of the Department of the Interior and Related
Subtitle B—Other Matters

SEC. 921. HAZARDOUS FUEL REDUCTION GRANTS TO PREVENT WILDFIRE DISASTERS AND PROTECT HABITATS. (a) HAZARDOUS FUELS TO ELECTRIC ENERGY, USEFUL HEAT, OR TRANSPORTATION FUELS.

(1) FINDINGS.—Congress finds the following:

(A) the damages caused by wildfire disasters have been equivalent in magnitude to the damages caused by the Northridge earthquake, Hurricane Andrew, and the recent flooding of the Mississippi River and the Red River.

(B) More than 20,000 communities in the United States are at risk to wildfire and approximately 11,000 of these communities are located near Federal lands.

(C) More than 72,000,000 acres of National Forest System lands and 57,000,000 acres of lands managed by the Secretary of the Interior are at risk of catastrophic fire in the near future.

(D) The hazardous fuels removed from forest lands represent an abundant renewable resource as well as a significant supply of biomass for bioenergy facilities.

(E) The Secretary of Agriculture shall provide assistance, as defined in section 902, to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of the natural disaster, as determined by the Secretary.

(2) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if such orchardist’s tree mortality, as a result of the natural disaster, exceeds 15 percent (adjusted for normal mortality).

(3) TREE.—The term “tree” includes trees, bushes, and vines.

(3) HAZARDOUS FUELS.—The term “hazardous fuels” means any unnaturally excessive accumulation of organic material, particularly in areas designated as condition 3 under the report entitled “Protecting People and Sustainable Resources in Fire-Adapted Ecosystems,” prepared by the Forest Service, dated October 13, 2000, and approved by the Secretary concerned that poses a substantial potential hazard to forest ecosystems, wildlife, human, community, or firefighter safety in the case of a wildfire, particularly a wildfire in a drought year.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means:

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the National Forest System lands and private lands; and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $300,000,000 for each fiscal year to carry out this section.

SEC. 922. BIOENERGY PROGRAM.

Notwithstanding any limitations in the Commodity Credit Corporation Act (15 U.S.C. 714 et seq.) or part 1424 of title 7, Code of Federal Regulations, the Commodity Credit Corporation shall designate animal fats, agricultural byproducts, and oils as eligible agricultural commodities for use in the Bioenergy Program to promote industrial consumption of agricultural commodities for the production of energy.

SEC. 923. AVAILABILITY OF SECTION 32 FUNDS.

The 21st designated paragraph of section 32 of the Act of August 24, 1935 (Public Law 74-543; 49 Stat. 774; 7 U.S.C. 612c), is amended by striking “$500,000,000” and inserting “$500,000,000”.

SEC. 924. SENIORS FARMERS’ MARKET NUTRITION PROGRAM.

(a) ESTABLISHMENT.—For each of the fiscal years 2006 through 2011, the Secretary of Agriculture shall use $15,000,000 of the funds available to the Commodity Credit Corporation to carry out this section.

(b) PROGRAM PURPOSES.—The purposes of the seniors farmers’ market nutrition program are:

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, and eggs to farmers’ markets, roadside stands and community supported agriculture programs to low-income seniors;

(2) to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers’ markets, roadside stands, and community supported agriculture programs; and

(3) to develop or aid in the development of new and additional farmers’ markets, roadside stands, and community supported agriculture programs.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers’ market nutrition program.
October 3, 2001

CONGRESSIONAL RECORD—HOUSE

H6225

(A) in paragraph (A), by inserting “caneberrries (including raspberries, blackberries, and loganberries),” after “other than
pears, olives, grapefruit,”; and
(B) in paragraph (B), by inserting “caneberrries (including raspberries, blackberries, and loganberries),” after “effective
as to cherries, apples,”; and
(2) in subsection (C)(4), by inserting “caneberrries (including raspberries, blackberries, and loganberries)” after “tomatoes.”

(b) AUTHORITY WITH RESPECT TO IMPORTS.—
Section 6(a)(a) of such Act (7 U.S.C. 608e–1(a)) is amended by inserting “caneberrries (including raspberries, blackberries, and loganberries)” after “pistachios.”

SEC. 925. NATIONAL APPEALS DIVISION.
Section 278 of the Department of Agriculture
Reorganization Act of 1994 (7 U.S.C. 699e) is amended by adding at the end the fol-
lowing new subsection:

“(f) F INALITY OF CERTAIN APPEAL DECI-
SIONS.—
Section 506 of the Federal Crop Insurance
Act (7 U.S.C. 1506(c)) is amended by striking “and potatoes” and inserting “, potatoes, and sweet potatoes.”

SEC. 926. NATIONAL APPEALS DIVISION.
Section 926 of the Department of Agriculture
Reorganization Act of 1994 (7 U.S.C. 699e) is amended by striking “as crops covered by non-
insured crop disaster assist-
ance program.”

SEC. 927. OUTREACH AND ASSISTANCE FOR SO-
cially Disadvantaged Farmers and Ranchers.
Subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 229f) is amended to read as fol-
loowing:

“(a) OUTREACH AND ASSISTANCE.—
“(1) IN GENERAL.—The Secretary of Agri-
culture (in this section referred to as the ‘Secretary’) shall provide outreach and tech-
nical assistance programs specifically to en-
force and encourage socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate equi-
tably in the full range of agricultural pro-
grams. This assistance, which should en-
hance competition and make more effective the outreach, technical assistance, and edu-
cation efforts authorized in specific agri-
culture programs, shall include information and assistance on community, conservation, credit, rural, and business development pro-
grams, application and bidding procedures, farm and risk management, marketing, and other informational information to participate in agricultural and other programs of the Dep-
artment.
“(2) GRANTS AND CONTRACTS.—The Sec-
tary shall make available grants and con-
tracts and other agreements in the further-
ance of this section with the following enti-
ties:
“(A) Any community-based organization, network, or coalition of community-based organizations that—
“(i) has demonstrated experience in pro-
viding agricultural education or other agri-
culturally related services to socially disad-
vantaged farmers and ranchers;
“(ii) provides documentary evidence of its past experi-
ence or participation in providing agri-
culturally related services to socially disad-
vantaged farmers and ranchers during the two years preceding its application for as-
assistance under this section; and
“(iii) does not engage in activities prohib-
“(B) 1890 Land-Grant Colleges, including Tuskegee Institute, Indian tribal community colleges and Alaska native cooperative col-
leges, Hispanic serving post-secondary edu-
cational institutions, and other post-sec-
ondary educational institutions with dem-
onstrated experience in providing agri-
culture education or other agriculturally re-
lated services to socially disadvantaged fam-
ily farmers and ranchers in their region.
“(C) Federally recognized tribes and na-
tional tribal organizations with dem-

The amendment was agreed to.

AMENDMENT No. 13 OFFERED BY MR. BOSWELL:

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BOSWELL: At the end of title IX, insert the following new section:

SEC. 200. RENEWABLE ENERGY RESERVE.

(a) PURPOSE.—It is the purpose of this section to create a reserve of agricultural commodities to:

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT.—During fiscal years 2012 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program to subsidize producers of agricultural commodities who will be able to:

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the Renewable Energy Reserve.

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when:

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks of a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to:

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an amount of commodities to provide incentives for research and development of new renewable and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall:

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—(1) In general.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section.

(2) Maximum extent practicable consistent with the purpose, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(3) RELEASE IN FIXED, DECOUPLED PAYMENTS.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section as fixed, decoupled payments, on a pro rata basis.

The amendment was agreed to.

The cost of this amendment will be approximately $650 million over 10 years. The funding for the renewable energy reserve will be taken from the commodity title through an across-the-board percentage reduction in the overall funding of less than 1 percent.

According to USDA estimates, as the U.S. moves toward banning MTBE and increasing the use of ethanol as a transportation fuel, the tripling of demand for ethanol would increase U.S. farm income by an average of $1.5 billion each year and would save the country over $4 billion annually in imported oil and hundreds of millions of dollars annually in taxpayer outlays for farm programs.

I urge my colleagues to join me in support of this amendment.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me, first of all, say there is no one on our committee who works harder in behalf of his farmers than the gentleman from Iowa (Mr. BOSWELL). There is no one on our committee that I have more respect for than the gentleman from Iowa.

But I do rise in opposition to the amendment. Mr. Chairman, basically for two reasons. Number one is the most critical.

As I have indicated, one of the words you are going to hear throughout the discussion of this farm bill for the next however long is going to be balance. The maintaining of that balance is important because that is what has been brought together as far as a broad base of support.

Now, granted, the gentleman in making some changes in the fixed decoupled payment does not greatly rob that account, but I am also aware that there are numerous amendments that, bit by bit by bit by bit, begin to attack that. I am concerned about going down that road, because if this balance becomes undone, I think this thing may go into free-fall.

Secondly, in terms of what the amendment does, we discussed this subject in the committee during markup. I can appreciate where the gentleman is coming from, but I have concerns about a program which sets up reserves of commodities.
October 3, 2001

H6227

CONGRESSIONAL RECORD — HOUSE

History historically has shown us that reserves can result in large quantities of commodities that eventually may become government stocks. I think it creates the removal of commodities from the market in order to put into storage, which I think gives a false signal to the market and I think it can have some impact on production. Under current law, and I think most of us agree, the government is not and should not be in the business of managing supply. Eventually, with stocks as they build up, it leads to lower prices, therefore, I think potentially costlier program payments in order to keep the farm economy going. I am not questioning the intent, but I think what this does is it establishes a precedent for reserve programs of the past that have not worked well. They have been tried, and they have failed.

Finally, I think what it does is it takes from again a balance that reaches across-the-board and it shifts that burden much is only dealing with and providing assistance for a much smaller number of people.

For that reason, Mr. Chairman, I would oppose the gentleman’s amendment.

Mr. BOSWELL. Mr. Chairman, I ask unanimous consent for one additional minute to make a response.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Texas (Chairman COMBEST) for his comments. This reserve will not hang over the market. These commodities are designated specifically for energy reserve. 662.2 million annually for 300 million gallons of renewable fuel seems like a reasonable request.

I appreciate the gentleman’s comments and concerns. The gentleman mentions all the other amendments. This move happens to be the most important one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on amendment No. 13 offered by the gentleman from Iowa (Mr. BOSWELL) will be postponed.

Are there further amendments?

The CHAIRMAN. The Clerk will designate the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. HALL of Ohio:

In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(b) by striking ‘‘The Administrator’’ and inserting ‘‘(A) Administrator’’; and

(b) by adding at the end the following:

(A) in the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

MODIFICATION OF AMENDMENT NO. 26 OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification that has been placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO AMENDMENT NO. 26 OFFERED BY MR. HALL OF OHIO

The amendment as modified is as follows:

In section 307, insert after paragraph (11) (7 U.S.C. 1786a(c)(11)) the following (and conform the subsequent paragraphs accordingly):

(A) by striking ‘‘The Administrator’’ and inserting ‘‘(A) Administrator’’; and

(B) by adding at the end the following:

(B) in the case of commodities made available for nonemergency assistance under title II for least developed countries that meet the poverty and other eligibility criteria established by the Agency for International Development and for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

Mr. HALL of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. HALL) is recognized for 5 minutes on his modified amendment.

Mr. HALL of Ohio. Mr. Chairman, my amendment makes a slight technical change to the Food for Peace, P.L. 480 Programs. These are our primary food aid programs, along with section 416(b) and Food for Progress. These vital programs allow the bounty our farmers produce to go to feed the least among us. America is great because America is good, and this is the best America has to offer the world.

This modified amendment further defines the poor countries that would be able to receive U.S. commodities and the transportation costs to get them to the hungry. It is supported by the World Food Program and private aid organizations.

I am pleased that the gentleman from Texas (Chairman COMBEST) supports this amendment. I thank the gentleman and his staff, especially Lynn Gallagher, for all of their assistance. I also appreciate the gentleman from Texas (Mr. STENHOLM) and his concern for our food aid program.

This amendment is a very small step towards my larger hope that the United States would increase our food aid for the poorest nations of the world. While we donate more food than any other country, to whom much is given, much is expected. In reality, we provide only half of one percent of our budget for humanitarian aid, and this should be much higher.

I spoke earlier of the good will our food aid buys around the world. My hope is to poor countries around the world have convinced me that our enemies and allies respect us because of our compassion and our generosity. We are a compassionate and generous country, and our food aid programs are a terrific example of this.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his courtesy in discussing his amendment process with us prior to offering it.

I would say that there is no one in the House who can stand taller than the gentleman from Ohio (Mr. HALL) in his concern about hunger around the world. I respect him for that, and am very happy to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. HALL).

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 53 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. STENHOLM:

At the end of title I (page 133, after line 13), insert the following new section:

SEC. 416. REPORT ON EFFECT OF CERTAIN FARM PROGRAM PROVISIONS ON ECONOMIC VIABILITY OF PRODUCERS AND FARMING INFRASTRUCTURE.

(a) REVIEW REQUIRED.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance
The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. STENHOLM.

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows—

Amendment No. 55 offered by Mr. STENHOLM:

Page 231, line 6, strike ‘‘$10 million’’ and insert ‘‘$9,500,000’’.

Mr. STENHOLM. Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(a)(1)) is amended—

(A) in clause (ii) by striking ‘‘and’’ at the end;

(B) in clause (iii) by adding ‘‘and’’ at the end; and

(C) by inserting after clause (iii) the following:

‘‘(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.’’.

(g) TERRITORY OF AMERICAN SAMOA.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2053) is amended—

(A) by striking ‘‘Effective October 1, 1995, from’’ and inserting ‘‘From’’;

(B) by striking each of fiscal years 1996 through 2002 and inserting ‘‘$5,750,000 for fiscal year 2002 and $5,800,000 for each of fiscal years 2003 through 2011’’; and

(C) by striking ‘‘(h) and (i) shall take effect on’’ and inserting ‘‘(g), (h), and (i) shall take effect on’’.

Mr. STENHOLM. Mr. Chairman, this amendment adds two provisions regarding Puerto Rico and American Samoa, with no cost implication.

Puerto Rico. For Puerto Rico, the amendment would allow Puerto Rico to spend up to $6 million of the 100 percent Federal funds in fiscal year 2002 on upgrading and modernizing the electronic data processing systems used to provide food assistance and to implement systems to simplify the determination of eligibility.

American Samoa. For American Samoa, the amendment raises the amount available for American Samoa in section 406(g) from $5.75 million in fiscal year 2002 to $5.8 million in each of fiscal year 2003 through 2011.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding.

I also want to indicate this is a no net cost provision of the amendment. I am glad to accept the amendment. I appreciate the gentleman’s introducing it.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I would point out to the House that the delegate from American Samoa and the delegate from Puerto Rico have agreed to this. This is done at their request, as well as ours today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. STENHOLM. Mr. Chairman, we are in the process of trying to work through a number of amendments in which we have had an opportunity to deal with a variety of Members, and I think that the process is moving potentially somewhat more expeditiously than was anticipated.

But I want to take just a moment, if I might, Mr. Chairman, to expand somewhat on a comment that I made in my opening statement relative to the amount of work that has gone into this committee print that we have before the House today.

The people who do so much of the hard, heavy lifting in our committees are those people who do not sit around the dais or who do not cast votes, but who sit in those offices sometimes three or four deep and literally, as the case was in the development of this farm program, spent all night. That happened on the majority and the minority side, working in concert.

My friend, the gentleman from Texas (Mr. STENHOLM), has numerous times mentioned the bipartisanship of this committee. This goes well beyond just Members. This goes to the staff as well.

Certainly there are, from time to time, some philosophical differences. That is the nature of the legislative process. But there is a recognition of the bigger goal, and that bigger goal is to try to achieve something in a manner in which we are seeing an extension of handshakes across the aisle that has not been easy. It is also many times a feeling that we can pass a farm bill that only receives Republican support. Number one, it probably would say a great deal about the inadequacies of that farm bill if it in fact was a partisan bill.

Mr. COMBEST. Mr. Chairman, I would like to apply the amendment. I appreciate the gentleman’s offering it.

Mr. STENHOLM. On a point of order, I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding.

The amendment has to do with the inadequate for the transportation bill. Thankfully we had an agreement on that. That is why we are here today.
asked for and who have deep interests in agriculture, we have many varying opinions from time to time. But all of that is finally put aside when we have the opportunity to come together and to look at the interests of agriculture as a whole, recognizing that there are regional differences, recognizing that there are differences in philosophy, recognizing there are differences in weather, recognizing there are differences in cropping habits, that corn grown in the chairman’s district of Illinois is substantially different than corn grown in the ranking member’s district or this gentleman’s district. Yet, it is a program which we have to try to develop that fits all of it.

Without adequate input and without taking into consideration those people who produce that, those people who market that, those people whose livelihood depends upon that, we, in fact, would not be able to write a farm bill that has such a broad base of support.

Mr. Chairman, I might just mention if the statistic still holds true to this day, Mr. Chairman, I believe it is the only full committee of the House in which the Members exceed the number of staff. So I do think it shows how much work that is dumped upon them from time to time. I will say that we could not be better served than we currently are.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now having another demonstration of what has been so frustrating to the House Committee on Agriculture as we have moved to get to this point. We had 60 amendments noticed and here we are, none of the Members who felt compelled to make amendments and change are here to offer them. Under the procedure, what we should do is we should move to final passage of the bill, because obviously, all of those who have felt so compelled to argue and to offer amendments are nowhere to be found. So we feel compelled now to take 5 minutes to talk about whatever we are going to talk about. Really, I guess we have the Boswell amendment, we could vote on it; but I understand that is not what they want to do.

So let me make a comment or two, I did not get recognized on the Boswell amendment a moment ago. Let me take just a moment and talk about the energy section of the bill that is before us.

Mr. Chairman, it was not but about 2 years ago that we had a depression not only in the corn and cotton patch, but also in the oil patch. At that point in time, since I represent the cotton patch and the oil patch, I was concerned about low energy prices, I was concerned about energy and energy policy as a national security; and that concern is still there. But one of the things that we recognize is that we cannot produce food and fiber without oil and gas; we cannot produce oil and gas without food and fiber; and, therefore, it is time for us to start working together, which is exactly what we have done in this bill.

In fact, it happened when we had hearings on the energy title that I did not believe I would ever see. We had independent oil and gas producers testifying in behalf of bioenergy, bio-diesel, ethanol, because those in the independent oil industry began to realize that, just as for our, we did not have any hope, compelling argument on behalf of the remaining farmers and ranchers in this country, that we have to work together, and that we do need to produce more energy. I had looked for ways to be supportive of an energy reserve today, because I think the gentleman from Iowa (Mr. BOSWELL) is on the cutting edge of what we are eventually going to need to do.

But as we looked into it and we got into it, as the gentleman pointed out, the trade-offs that have to occur, this fine balance that we are talking about and with some of the divisions that we have within the bioenergy industry regarding the merits of such, I do not and cannot support anymore today. But I will point out that we have in the bill emergency loans for sharply increasing energy costs. We have loans and loan guarantees for renewable energy systems. We have biomass derived from the conservation program lands. We have wind turbines on conservation reserve program lands. We have the reauthorization of the Bioenergy Research and Development Act, which gives us the road map to get to where the gentleman from Iowa wants to be, and I want to be with him in getting there. We have the requirement of the Secretary to give priority to improved energy efficiency on farms and farm energy. We have the hazardous fuel reduction grants in this bill, and I also commend the role of bioenergy in promoting the industrial consumption of agriculture products for the production of ethanol and biodiesel. We expand the program by directing the Secretary to include animal fats, agricultural by-products and oils as eligible commodities under existing bioenergy programs.

Now, the USDA is already carrying out the CCC bioenergy program and $150 million is being provided for fiscal year 2002, the same as fiscal year 2001. So it is certainly not without sympathy for the gentleman’s amendment. It is there, but it is the question, as we have already talked about, and the precise balance, and I understand that it is very important to him.

AMENDMENT NO. 62 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. TRAFICANT:

At the end of title IX (page — , after line — ), insert the following new section:

(a) COMPLIANCE WITH BUY AMERICAN ACT.—

No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, other person or entity agrees to comply with the Buy American Act (41 U.S.C. 10a-10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or service which may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds shall, in expending the funds, purchase only American-made equipment, products, and services.

(c) NOTICE TO RECIPIENTS OF FUNDS.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. LAHOOD), who always seems to be in the chair at the right time and does a fine job. I want to commend the chairman of this committee and the ranking member. I want to spend just a second talking about the ranking member. He has shown bipartisanship in this House for all of the years I have been here; and he has exemplified that, I believe, as well throughout everything he has done. Even when his principles are in opposition to that being offered by others, he has always been a gentleman and tried to find that common ground.

This amendment is well known by all. It is on the right side. In fact, there is money made available under this bill, the recipients of it shall get a notice that the Congress of the United States would like to see those funds expended for the purchase of American-made products. If the farm community understands it and may be one of the biggest supporters of this legislation.

We have very few trade surpluses in America. I believe agriculture, if I am not mistaken, is still a trade surplus. I believe agriculture is still the largest exporter of the United States of America. So the first one is a Buy American amendment.

Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr.
COMBEST), the chairman of the committee, to ask for his support on the amendment.

Mr. COMBEST. Mr. Chairman, absolutely, I am happy to support the gentleman’s amendment and appreciate his tenacity in this area.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I would point out that the preliminary data for 2001 show that we are exporting $5.5 billion and we are importing $39 billion. That leaves us a trade balance of $14.5 billion.

Mr. Chairman, I have no objection to the gentleman’s amendment. I enthusiastically support it, and I thank him for his kind remarks.

Mr. TRAFICANT. Mr. Chairman, I would like to say that the reason we have that trade surplus is the result of the leadership we have had from gentleman like this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

REQUEST TO OFFER AMENDMENT NOT PREPRINTED IN THE CONGRESSIONAL RECORD

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to offer at this point a second amendment I have at the desk that was not printed October 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COMBEST. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard and the Chair would object as being precluded by the order of the House from entertaining the request.

Are there further amendments?

AMENDMENT NO. 52 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. Smith of Michigan:
At the end of section 183 (page ____, beginning line ____), insert the following new subsection:

(d) Payment Limitation Regarding Marketing Assistance Loans To Cover All Producer Gains.—In applying the payment limitation contained in section 1901(2) of the Food Security Act of 1985 (7 U.S.C. 1388(2)) on the total amount of payments and gains that a person may receive for one or more covered commodities during any crop year, the Secretary of Agriculture shall include each of the following:

(1) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any covered commodity at a lower level than the original loan rate established for the commodity.

(2) Any loan deficiency payment received for a loan commodity.

(3) Any gain realized by a producer through the termination of the authority to forfeit production under a nonrecourse loan or through the actual forfeiture of the crop covered by a nonrecourse marketing assistance loan.

Mr. SMITH of Michigan. Mr. Chairman, I think this is a very important amendment if we are going to keep public support for agricultural programs. The amendment puts an absolute limit on all benefits derived from price support programs of the Federal Government.

I am a farmer. I have spent time as chair of the ASCS committee in Michigan administering farm programs. I help write them in Washington. If anybody has read the papers, they know that there have been many stories from AP and other news sources about the millions of dollars that are going to some of the big landowners. I think that we are hoodwinking the American people if we say that there is a limit of $150,000 in this case; and by way of comparison, the limit was only $75,000; but we now have a limit of $150,000. If you have a wife, you can go to the USDA office and have that spouse also included as an additional producer, making it $300,000.

I think there are hoodwinking the American people if we lead them to believe that there is any limit on benefits that can be derived from Federal programs on price support. That is because in a rather complicated program, we have nonresource loans, which means that even if one does not get the marketing loan payment, even if one does not get the price support from a loan deficiency payment, one always has the opportunity of forfeiting a crop. In many cases, the Government, instead of the forfeit, will give a certificate.

So in reality, there is no limit. What we are faced with is people like NBA star Scotty Pippen, billionaire tycoon J.R. Simlot, and 20 Fortune 500 companies receiving Federal checks from the programs.

The President, the administration said today, one problem he has with these programs is momentum. He has momentum to not have any limit. I think it is momentum to not have any limit.

Mr. Chairman, I support it.

The question was taken; and the ayes appeared to have it.
Mr. MILLER of Florida. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Michigan (Mr. SMITH) put in the committee report in the amendment failed by voice vote. This is not just a limitation amendment. What this does is it dramatically changes the way that the loan program works.

Following the farm crisis in the 1980s, the marketing loan program was created. Its purpose was to aid a producer in marketing commodities to create a balance between supply and demand. The loan program works.

Mr. SMITH of Michigan, Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Michigan. It just makes common sense that we try to make this a more fair and equitable type of bill, because it really does help very, very wealthy farmers.

I was kind of embarrassed, a newspaper article on the front page of my Sarasota paper, unfortunately it was back on September 11, on the front page showed President Bush waving upon his arrival the night before. The other big article was an AP wire service story about how most farm subsidies go to a few. It talks about how 1,200 universities and government farms and State prisons get money. It talks about how Ted Turner gets $190,000 from it, Scotty Pippin, the basketball player making $14 million a year, gets $26,000. It talks about people after people who get $1 million, hundreds of thousands of dollars. All that the amendment of the gentleman from Michigan (Mr. SMITH) does is try to make a little more equity and to try to make a little more fairness in this program.

Mr. SMITH of Michigan, Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Michigan. It is still there.

Let me give an example of how this would work, in reality. Today, a cotton farmer in California with 432 acres and an average yield would be affected by this amendment. Let us assume that the farmer put all of his cotton from the 432 acres in the loan. With a 20 to 22 billion boll ball crop, the loan deficiencies would continue downward to 30 cents.

Even though the farmer could have forfeited the cotton to the Government in the past, this amendment would limit the amount which they could forfeit, which would therefore then force that farmer to take that loan out when he could have gotten 50 cents and a market price of 30 cents.

It is a challenge in the way that a non-recourse loan program in the past has worked for the past 50 years, and it is not simply a matter of concern about the largest one-half percent of the farmers. Again, I want to reiterate, a 701-acre price field in Arkansas or a 432-acre cotton field in California is not an exceptionally large 1 percent of the top farms in the country. That is a very average-sized farm. It is not simply a limitation on the payment limit that actually works, that limit $150,000 in Federal payments, a significant amount of Federal support. I believe it would work.

I recognize that there are economic differences in the production of various commodities, and that the production of rice and cotton, Southern-based commodities, requires larger economic operations.

At the same time, by moving this payment limit from where it was in 2 years ago, from $75,000 up to the $150,000, I think much has been done to accommodate the different scale of economics undergirding production in that part of the region.

Make no mistake about it, in the end, payment limits make sense. We devote our resources to keeping the family commercial operations in the business; we do not divert half of all money in the bill to the largest 7 percent of all farms; and we have a program that going forward, year after year, will be one less likely to be attacked for squandering Federal resources.

This is about bringing integrity and common sense to farm programs. I urge support of the amendment.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment; and I would take issue with my friend, the gentleman from Florida, who mentioned some folks by name who are getting payments.
He mentioned Scotty Pippin. According to the figures he mentioned, this provision, this amendment, would not apply to that individual because he does not reach that payment limitation.

Mr. Chairman, what we are asking to be done here with this amendment is to change the rules in the middle of the stream. We have got farmers who have been operating under the current law for years and years and years, and they have laid into their farming operations within the confines of the law.

That law now seeks to be changed in the short term. We could have farmers reconstruct their farming operations; but if they did, the tax consequences to the American farmer would be huge. That would be enough to put the farmer out of business.

I take issue with my friend, the gentleman from Michigan, that this does not have anything to do with the marketing loan provision. It also does. We have to look at the payment limitation and work it in coordination with the marketing loan provision. That is why we have the payment limitation and why we have the marketing loan provision.

But more importantly, I was up here a little bit earlier. I had an example of the Walker farm that we used in Alabama, where it was deemed to be, by a lot of people, a corporate farm. What it is is a 7,000-acre operation that is operated by seven families, all of whom, seven of whom, qualify as producers, as actively engaged in farming, who have money at risk in the operation.

Those are the folks who this amendment would seek to really hurt. That provision would really destroy that operation; and if those folks have money at risk, then they ought to be able to come under the payment limitation rule and not be excluded.

Mr. SMITH of Michigan, Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan, Mr. Chairman, each one of these individuals is eligible, if they go to the local FSA office, to be a separate producer entity, each available to that $150,000 limit.

Mr. CHAMBLISS. They are now.

That is my point.

Mr. SMITH of Michigan. This would not touch that.

Mr. CHAMBLISS. Yes, it would, too. It would limit that operation.

Mr. SMITH of Michigan. No, sir, this is a limit per individual producer. Excuse me.

Mr. CHAMBLISS. The limit is there now. We have the certificate provision to take care of it, over and above that. But, we would destroy the current structure of the way farms are set up if we changed the payment limitation at this point in time. I would urge a no vote on this amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is an example of how we can today at least take a system that was designed two-thirds of a century ago and attempt to make it a little better, a little more relevant.

I strongly support the amendment offered by the gentleman from Michigan (Mr. SMITH) and am proud to associate myself as a cosponsor.

Mr. Chairman, we have heard on this floor how narrowly channeled our support is. Seventy-four percent of the total subsidies go to 18 percent of the producers; two-thirds of the farm support goes to just 10 percent. The last speaker pointed out that half goes to just 7 percent.

George Bush has, as recently as this last month, pointed out that there are a lot of medium-sized farmers that need help; and one of the things that we are going to do is make sure that we restructure the farm program to make sure the money goes to the people it is meant to help.

I think what the gentleman from Michigan has done is to attempt to give a dimension to the words of our President. The numbers of the gentleman from Michigan (Mr. SMITH) have indicated, and we have all received the reports from CRS that talk about how this is about how we are going to be able to trigger that limit. I think this is a modest step in the right direction.

I know the gentleman from Michigan has some further thoughts on this, and he has my strong support for the amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding.

This is going to come back to harm the average farmer in the United States. We have farm organizations that support it, and some of the big agribusiness interests, but we are looking at a situation where the President has indicated to us this morning that this overpayment to the big farmers is a problem.

Let me read a quote that he made last month. The President said: "There are a lot of medium-size farmers that need help, and one of the things we are going to make sure of is that we restructure the farm programs is that the money goes to the people that it is meant to help.

I hope we consider doing this, because, number one, we encourage more production, overproduction, if we say the big farmers that already have a lower unit cost of production are getting that fixed payment, then they tend to get bigger. They tend to buy out other farms, the medium-sized farmer that is struggling to make a go of it and try to buy out the smaller farmer. So we are perpetuating the large, corporate-type farming operations.

I hope we consider doing this, because, number one, we encourage more production, overproduction, if we say the big farmers that already have a lower unit cost of production are getting that fixed payment, then they tend to get bigger. They tend to try to buy out other farms, the medium-sized farmer that is struggling to make a go of it and try to buy out the smaller farmer. So we are perpetuating the large, corporate-type farming operations.

Mr. Chairman, I get interested in this talk about large corporate farms versus family farms. So far I have never really been able to figure out what is a large corporate farm versus a family farm. I do not think that is what some people want to call a family farm. I do not think that is what the public policy of the United States Congress should be, supporting and expanding with the kind of farm program that does not have some real limits on farm payments.

This does not apply to the average sized farm, which is a little over 500 acres. One has to have 6,000 acres of most any of these crops to reach the $150,000 limit.

Mr. BLUMENAUER. I appreciate the gentleman’s framing the words of our President. I could not have said it better myself.

This is an opportunity for some bipartisan support to take an important step for making these important programs work a little better, inspire more confidence from the American public, save some money, and be able to target it where it is most needed. I strongly urge support for this amendment.
that is to avoid building up CCC stocks. The effect of the gentleman’s amendment would simply be to build-up stocks, because to equate the loan with a price support cash payment is totally fallacious. This is not the way that marketing certificates work. What we try to do is avoid CCC build-up of stocks.

If we are going to make it ineligible, if we want to make them ineligible for loans, that is one thing, but that is not what the gentleman is attempting to do. I do not believe that that is what this amendment before us does not do that, which I believe the gentleman is saying that it does.

Market certificates avoid market disruptions caused by payment limits. When you run up against that payment limit, then we have one choice. We put it into the loan, and then the government pays us for it or we then market it.

Under the theory of the Freedom to Farm Act of which as we held the hearings last year, farmers loved the Freedom to Farm, but they do not like the results, the price.

This is a fundamental change in the direction of farm programs. Fundamentally, this amendmen...
also the work that is currently being conducted in the U.S. Senate in regards to their farm policy. I think it is a reasonable approach in order to put a check on the unbridled increase in production which leads to overshopping. It leads to a limiting of commodity prices and invariably leads to multibillion dollar farm relief bills coming out of this United States Congress over the last few years.

We are caught in this vicious cycle right now, and I think the gentleman from Michigan’s amendment is trying to address that and break us out of this cycle that we find ourselves in.

Mr. BERRY. Mr. Chairman, I move to strike the requisite number of words. This is the best fed country in the world. All you have got to do is walk around the streets to see that. We are all doing pretty good. I certainly get more than my fair share of it, but all the rhetoric on this floor today fails to realize that.

I have heard just in the last few minutes over and over again how we have an oversupply. These people that are talking about oversupply, how do you check what the stocks to use ratios are in this country? We have got the lowest ending stock projected for next year that we have had since 1973. There is not any huge supply of grain built up here or anywhere else in the world. I do not know where this imaginary supply is. I do not know where this overproduction is. It does not exist.

Freedom to farm let people plant for the market. They did plant for the market. The supplies are not there and we actually have some risk if we do not continue to produce at that level. We could run out of food in this country. It is not a social program. Farm programs are not designed to protect small farmers or large farmers or create some kind of social condition or recreate a Jeffersonian democracy. That is not what they are for. They are to make sure that America has enough food and fiber to be self-sufficient and be secure. That is what this is all about.

If we are going to start limiting government programs in the way that has been mentioned here today, then we should limit the airlines to $150,000. We just passed big bucks last week. Let us just limit the airlines, give them all $150,000 and cut them off at that. You cannot make it, buddy, tough luck.

That makes just as much sense as what this amendment does. If this is such a profitable deal and everybody that is involved in agriculture is standing at the government trough, why are not more people lined up out there telling you you will lose? If you want to get rich, just go to Arkansas, buy you a big rice farm. You will find out how big, how wealthy you can get. There is not anybody down there wanting to be there right now. Once we created a situation in this country where people just do not want to farm anymore, we are at risk with our food supply.

This talk of overproduction is just simply not true. We need to pay attention to the situation and not kill the goose that laid the golden egg and make sure that our farmers are able to stay in business and do the wonderful job that they have done for this country since it was founded.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the President of the United States said there are a lot of medium-sized farms who need help, and one of the things we are going to make sure of is that we restructure the farm program, so that the money goes to the people who need it the most.

Mr. Chairman, on every occasion that Congress has taken up a farm bill or an agricultural appropriations act there is one argument that is predictable as a football game on Thanksgiving; pass this bill, we are told, or it will mean the end of the family farm. Well, today, we have an opportunity to literally put our money where our mouths are.

The Smith amendment is very simple. It establishes—actually, it enforces—a reasonable limit on the amount farmers can receive in deficiency payments. And if I may say so, a limit of $150,000 is not only reasonable, it is plain generous. Our current farm programs already include this cap, but the larger farms have exploited a loophole that allows them to bypass it through the use of commodity certificates.

This amendment will not reduce government subsidies on a single small farm, unless of course a small farm is defined as 20,000 acres of cotton. What it will do is restore some sanity to the way we appropriate government price supports. Consider the following: the largest 1 percent of farms receive 74 percent of Federal payments. In 1999, 47 percent of farm payments went to large commercial farms; and in that same year, a single farmer received more than $1.2 million in government handouts.

If my colleagues think that is the way our government programs should operate, by all means vote against this amendment. Those who think a single farmer should receive more than $1 million in government subsidies, while small farmers are barely making ends meet, vote against this amendment. But if my colleagues think it is time large farmers atop fleecing American taxpayers, support this modest amendment.

Mr. Chairman, I helped end welfare in my urban areas. It is about time we stand up and do the wonderful job that they have done for this country since it was founded.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

Are there further amendments?

AMENDMENT NO. 20 OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Authority.

Notwithstanding any other provision of law, the Secretary of Agriculture and the Commodity Credit Corporation shall not require producers in Erie County, Pennsylvania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under subtitile C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7061 et seq.). In the case of a producer who has already made the repayment on or before the date of the enactment of this Act, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

Mr. ENGLISH. Mr. Chairman, I would like to thank the distinguished chairman of the Committee on Agriculture for considering this amendment and, through it, the plight of a group of farmers in Erie County, Pennsylvania, in a truly unique situation in the Nation.

My amendment rights a wrong that left many of our local farmers holding the bag because of a clerical error by the Federal Government. Last year, the Department of Agriculture ruled that our farmers were ineligible for the Federal Loan Deficiency Program payments because their applications were filled out improperly, notwithstanding the fact that they carefully followed the instructions of the local farm service office.

Erie County farmers were told by the Department that they needed to repay the thousands of dollars with interest to the Federal Government. The catch is that the farmers qualified for the payments by all understandings if they had simply filled out the forms correctly.

This amendment, which was scored by the CBO to cost $2,000, would therefore round to zero. This amendment does not affect budget authority, only outlays, meaning it is clearly not in violation of rule 302(f).

This amendment simply waives the debt for those farmers who did not repay the money, while refunding those who have already submitted their payments.

We must ensure that not one of our farmers is held responsible for the Federal Government’s mistake. The money
these farmers received under this program is vital to the local farm community. Agriculture is the number one industry in our State, our region, and in Erie County. Farming is a vital part of our local and national economy, and we cannot allow a clerical error caused by the restriction that the supervision of the Federal Department of Agriculture to cost many farmers their livelihood and impose on others such a Draconian burden.

Mr. Chairman, I thank the gentleman from Texas (Mr. Combest) and the committee for their willingness to work with me to ensure that our local farmers are not punished for a bureaucratic mistake.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Iowa (Mr. Boswell).

Mr. COMBEST. Mr. Chairman, I want to tell the gentleman that I appreciate the difficulty he has been going through and hope it comes to now a relatively in the bill.

CBO would not score this at a cost, and so I am glad to accept the amendment which a vote by electronic device will answered.

The result of the vote was announced by the Chair on which the Chair has postponed.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 13 offered by the gentleman from Iowa (Mr. TRAPICANT), and amendment No. 52 offered by the gentleman from Michigan (Mr. Smith).

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from Iowa (Mr. Boswell) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 100, noes 323, answered “present” 1, not voting 6, as follows:

<table>
<thead>
<tr>
<th>AYES—100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartlett</td>
</tr>
<tr>
<td>Bereuter</td>
</tr>
<tr>
<td>Biagiervich</td>
</tr>
<tr>
<td>Boswell</td>
</tr>
<tr>
<td>Brady (PA)</td>
</tr>
<tr>
<td>Brown (OH)</td>
</tr>
<tr>
<td>Capuano (MA)</td>
</tr>
<tr>
<td>Cardin</td>
</tr>
<tr>
<td>Carper (WV)</td>
</tr>
<tr>
<td>Clayton</td>
</tr>
<tr>
<td>Condit</td>
</tr>
<tr>
<td>Curvesen</td>
</tr>
<tr>
<td>Cummings (CA)</td>
</tr>
<tr>
<td>Davis (IL)</td>
</tr>
<tr>
<td>DeFazio</td>
</tr>
<tr>
<td>DeGette</td>
</tr>
<tr>
<td>Dicks</td>
</tr>
<tr>
<td>Dingell</td>
</tr>
<tr>
<td>Finer</td>
</tr>
<tr>
<td>Frank</td>
</tr>
<tr>
<td>Grucce</td>
</tr>
<tr>
<td>Gutierrez (TX)</td>
</tr>
<tr>
<td>Hall (TX)</td>
</tr>
<tr>
<td>Hoefle</td>
</tr>
<tr>
<td>Holt</td>
</tr>
<tr>
<td>Baldacci</td>
</tr>
<tr>
<td>Baker</td>
</tr>
<tr>
<td>Balducc</td>
</tr>
</tbody>
</table>
The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by vote of 418 to 238.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

AMENDMENT NO. 52 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

AMENDMENT NO. 52 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk redesignate the amendment.

The Clerk redesignated the amendment.
October 3, 2001

CONGRESSIONAL RECORD—HOUSE

H6237

Barton
Bentsen
Berkeley
Berry
Bishop
Blagojevich
Blunt
Bosher
Boscheller
Boschene
Bomilia
Bono
Boscher
Bosley
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Buyer
Callahan
Caldwell
Calvert
Camp
Cannon
Cantor
Carroll
Carson (OK)
Carson (OK)
Chabot
Chambliss
Clement
Clyburn
Coble
Coffman
Collins
Combett
Condit
Cooksey
Costello
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Joe
Deal
Deutsch
Diaz-Balart
Dingell
Dooley
Douglas
Doulis
Duncan
Dunn
Dussert
Edwards
Elisabeth
Ellender
Emerson
English
Erich
Eskridge
Everett
Filner
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gomez
Goodlatte
Gordon
Graham
Granger
Graves
Green (WI)
Greenwood

Gruezi
Gutierrez
Gutknecht
Hall (MO)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hawkins
Heiler
Herger
Hill
Hilleary
Hilliard
Hilliard
Hinojosa
Hobson
Hoecker
Hogg
Hoyer
Hoyt
Hyde
Hyde
Hunter
Horn
Hoekstra
Hobson
Hill
Hilliard
Hoekstra
Hill
Hilliard
Hoekstra
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard
Hill
Hilliard

Phipps
Pickering
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Robb
Reynolds
Riley
Rodriguez
Roemer
Rogers (NY)
Rogers (KY)
Ros-Lehtinen
Rothman
Ryan (WI)
Ryan (KS)
Sabo
Sallin
Saxton
Schaft
Schiff
Schrock
Savannah
Sann
Sam
Samp
Sasser
Saxton
Saxton
Saxton
Saxton
Shattuck
Scholes
Skeen
Simpson
Sizemore
Skelton
Smith (TX)
Snyder
Stoebe
Stolen
Stump
Stup
Sweeney
Tanner
Taunton
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiberi
Trifunac
Trotter
Tucker
Upton
Vaccaro
Vitter
Walden
Walsh
Walker
Waterman
Watts (OK)
Watts (FL)
Webber
Wilson
Wolfe
Wolfe
Wynn
Witt
Wolf
Wicker
Whitfield
Wicker
Wynne
York
Young (PA)
Young (AK)

Mr. BLAGOJEVICH changed his vote from "aye" to "no." Mr. TAHFT and Mr. GREEN of Texas changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. COMSTOCK: Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman 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. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, had come to no resolution therein.

RECESS

The Speaker pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1753

AFTER RECESS

The recess as called expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Michigan) at 5 o'clock and 53 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-220) on the resolution (H. Res. 252) providing for consideration of the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The Speaker pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON AGRICULTURE

The Speaker pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSELE) is recognized for 5 minutes.

Section 213 of H. Con. Res. 83 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Agriculture for legislation that reauthorizes the Federal Agriculture Improvement Act of 1996, title I of that Act, or other appropriate agricultural production legislation.

Section 221 provides that the purpose of enforcing H. Con. Res. 83, the applicable allocations are those set forth for fiscal year 2002 and for the total for the period of Fiscal Years 2002 through 2006. This section further provides that the Committee is authorized to make the necessary adjustments in the allocations and aggregates to carry out the purposes of the budget resolution.

Both as reported by the Committee on Agriculture and as modified by the rule, the bill is within the levels assumed for this bill in the two periods applicable to the House; Fiscal Year 2002 and for the total of Fiscal Years 2002 through 2006 as required under section 302(f) of the Congressional Budget Act of 1974.

If you have any questions, please contact Jim Bates of my staff at 6-7270.
The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York) addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER) addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Washington) addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

TERRORISM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this afternoon I want to visit about a couple of areas in regards to terrorism. Obviously, the issues that are on this floor, the issues that have overwhelmed the United States since the ugly events of September 11 have centered on terrorism and centered on defense and the home security of this Nation.

This afternoon I want to spend a few minutes of my Special Order talking about two different types of terrorism and what we can do about it, and also incorporate in some of the defense mechanisms for some of the homeland security that I think we need to have.

Mr. Speaker, let me begin by talking about a level of terrorism that has been lost in the battle, and that is the concept called ecoterrorism that is occurring within the borders of the United States.

What does ecoterrorism roughly describe? What has happened is there are some activists out there, citizens of this country or people acting within the borders of this country in regards to environmental issues that feel that they can only get attention if they do any type of destruction to some symbol, whether it is putting steel rods into a tree that they are afraid is going to be cut for timber so that the logger who comes up and uses a chain saw risks hitting that steel nail with his chain saw, and could physically harm him; and thus, the loggers, knowing that these trees may have these steel spikes in them randomly in order to prevent them from being logged; to the situation we had in Vail, Colorado, where they burned down a $13 million lodge all using the front of environmentalism.

Mr. Speaker, many of us on this floor feel very strong about the environment of this country; but none of us on this floor should tolerate for one moment ecoterrorism, the kinds of things that occurred in Vail, Colorado, the kind of things that occurred in the district of the gentleman from Oregon (Mr. WALDEN), the kinds of things where people intentionally spike these trees so that somebody that goes in to log any of these trees is losing their life if they put a chain saw to that tree. That type of behavior is unacceptable.

Mr. Speaker, I am chairman of the Subcommittee on Forest and Forest Health of the Committee on Resources, and we will be focusing in the several months ahead on ecoterrorism and what we can do to encourage people in this country to work within the framework of our law if they have disagreement on environmental policies.

Unfortunately, what has happened is some people are looking for a cause. Deep down they do not care about the environment. They care about destruction, and they want to hook onto any kind of a cause. We have seen this in many of the protests. Many of the people, outside of the professionals who have been hired to run the protests, many people do not have a deep-down belief in the cause that they are protesting or the cause for which they are assisting ecoterrorism within the boundaries of the country.

It is just a cause. It is something for people to do.

Unfortunately what has happened is some people have turned a blind eye, because this destruction, this terrorism, is being activated under the so-called cloak of protecting the environment.

As I said earlier, all of my colleagues here feel strongly about the protection of our environment. Sure we have differences on how we interpret that issue. But noboby on this floor, I would hope, would condone ecoterrorism in this country. And in the not too distant future, we ought to have people like the National Sierra Club, like Earth First, like the Conservation League, without prompting from the United States Congress, these organizations ought to step forward and actively condemn acts of ecoterrorism to try and forward some type of environmental agenda.

It is a problem in this country and it is a problem that has begun to escalate. It is getting bigger and bigger. They went from putting spikes in a tree to damaging equipment that was sitting on a site. Pretty soon they moved up to burning $13 million buildings in Vail, Colorado, which is within the boundaries of the State of Colorado or any jurisdiction of this Congress.

Obviously they do not rise to the level of the horrible terrorism that we saw on September 11, and I intend to spend a good part of my time this evening, or this afternoon, addressing those particular issues.

But it, nonetheless, is a small cancer of its own. It is a cancer that we have to get ahead of. And it is something that we have to have a zero tolerance for in our society.

I urge my colleagues, if you have any constituents out there that share with you any type of support that they are giving to ecoterrorist type of activity, that you actively discourage them, and if any kind of information is shared with you that these individuals are breaking the law, I think you have an obligation to go to the authorities and report your conversation with these ecoterrorists. We have to adopt and every respectable environmental organization in this country ought to adopt a zero tolerance of ecoterrorism. We have seen what happens when so-called terrorism gets taken out of context, when so-called terrorism goes to the extreme that it has gone on September 11.

So we need to get on top of this ecoterrorism that we now are seeing within our own borders, our own citizens who have chosen not to work within the framework but to break the law and to flagrantly break the law in such a way as to cause ecoterrorism.

We had a hearing today. We have issued a subpoena. There is an organization out there called ELF, E-L-F. This organization has a spokesman. This spokesman, I think, is probably one of the most radical American citizens in regards to ecoterrorism. I have asked that that individual be subpoenaed.

Today, the full Committee on Resources, not the subcommittee, but the full Committee on Resources issued a subpoena. We fully intend to serve that subpoena and have that individual appear before us, not the subcommittee, but the full committee, to explain on what basis that an individual or a group of individuals or an organization or an association should be allowed to step out and create this type of terrorist act under the guise of protection of the environment.

I am going to go on. I want to proceed from ecoterrorism and make the transition here to the terrorist acts of September 11.

Before I do that, Mr. Speaker, I would be happy to yield to my colleagues the gentlewoman from North Carolina (Mrs. CLAYTON).

RURAL DEVELOPMENT AMENDMENT TO FARM SECURITY ACT OF 2001

Mrs. CLAYTON. I thank the gentleman for yielding. I appreciate it very much. I do understand the importance of the subject and appreciate him allowing me to proceed.

Mr. Speaker, I stand before this body once again in keeping with my friends in the full committee and on the need to increase our investment in rural development.
Today, we heard on this floor time after time from Member after Member about the struggles of rural America. We have heard in great detail about the difficulties that our rural communities face and have been called upon to respond accordingly. Many have testified to the fact that, while the farm econo-
y of rural America suffers, so too does the rest of America, and that is indeed true. Clearly, agriculture has long played and will continue to play an important role in the well-being of rural America. That is why I support the Farm Security Act of 2001 and also urge my colleagues to pass it. It pro-
vides a strong safety net for American agricultural producers and rural Amer-
ica in trying times for the farm econo-
y.

While I do not think that anybody in this body among my colleagues doubts the critical role that agriculture plays in the rural economy, I believe that we must ask whether agriculture alone can redeem rural Amer-
ica. The statistics that the census has recently provided us indicate that we are losing many of our most productive young people because rural America has very little to offer them. A farm safety net will provide a refuge for our farmers during times of economic hard-
ship and we should do this. This is as it

should be. We should do that. But we must ask ourselves, will the farm safety

net create nonfarm jobs or a safety net for persons who are not in agricul-
ture? Will the safety net help our rural communities deal with the multi-
billion-dollar backlog of unfunded infras-
structure projects, whether it is water or sewage or roads or tele-

communication?

Will this safety net increase the eco-
nomic livelihood of the workers who have to drive 60 miles round trip to work at a Wal-Mart where they get $6.25 an hour or to the textile person who
m
gives $8, or to a poultry fac-
tory? Will it provide running water to the 1 million rural Americans who still, after the remarkable economic boom of the 1990s, do not have running water in their home? We do not now, not in every home. In fact, in rural America we still have a large propor-
tion of Americans without running water. Will it prevent the great hollowing out of rural America that I refer to? That is one of the critical issues we are not in agricul-
taking place once again? And will rural

America be a good place for young peo-
ple to stay and raise their family and have an expectation that they will have a quality of life?

I say with deep, deep regret, and dis-
appointment, but the answer to these questions is no. This Congress must begin

thinking of rural America, not just as farmers, we must include our farmers obviously, and they are strug-
gling, but we must also think about the crops and the commodities they grow. We must have them in-
volved. They are central to anything we do. But we must also start thinking about their families, their neighbors, their communities. We must think about rural America as that woman I spoke of, the person who works for the poultry factory or works for the textile factory, if the factory is still there, by the way, and cannot sustain their fami-
lies. That is a part of the fabric of rural America.

We must do more for rural America. I believe we can start with this farm

bill. That is why I am offering an amendment to increase rural develop-
ment funding in the farm bill by more than $1 bil-

lion over the next 10 years. Will this amendment solve the problems that I have been discussing earlier? Of course, it will not. The answer is no. No one is suggesting that any one bill or any one thing will be the magic bullet that saves rural America. But what I am suggesting is that we need to broaden both our view and our investment in rural America. My amendment is just the first step in doing this.

The boom time of the 1980s that benefi-
ted so many America never touched many rural areas. When I talk with people back in my district, which is an overwhelmingly rural district, they do not need to be warned about the fact that we may have an economy that is going into recession. You see, they already know that they are in one, because their farmers have low prices, they have seen their textile industry close, they have seen factories indeed promised to come, making deci-
sions not to locate here.

Joining me in offering this amend-
ment are my colleagues, the gentleman from Pennsylvania (Mr. PETThERSON), the
gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Nevada (Mr. GIBBONS). The amendment provides $450 million for rural drinking water infrastructure grants and $450 million for community strategic planning assistance and investment, and $100 million for value-added agricul-
tural market development grants over the next 10 years.

I would like to reiterate once again, this farm bill must serve American farmers. And it does. It does very gen-
erously. But it must also serve their families, their neighbors, their commu-
nities. It must serve the 90 percent of rural Americans who are not employed in the agricultural economy. The Com-
mittee on Agriculture can take a lead-
ership role on this and I beg them to do that, not to repeat colleagues' efforts to sup-
port my amendment tomorrow.

The term “balance” has come up many times in this debate on the floor about the Committee on Agriculture. I would like to associate myself with the call of my colleagues for a balanced farm bill. The committee bill that we are considering today is a good start. I thank the chairman and the ranking member for their efforts. But I would like to suggest that indeed they can do more, and Mr. Clayton-Peterson-Blumenauer-Gibbons amendment, does it. It does not imbalance the bill. In fact, it adds more balance. It accepts the principle we set in the committee. We are actu-
ally providing a substantial invest-
ment. In the end, it simply doubles the amount that we are giving to 90 per-
cent of the people who are in rural America. It provides for producers, but it provides for many other people who are living in rural America across the country whose problems do not stop or end at the field’s edge.

I urge my colleagues to reject the no-

tion that a vote for the Clayton-Peter-
son-Blumenauer-Gibbons amendment is a vote against farmers. I reject the notion that farmers and rural farmers who care about clean drinking water, farmers who care about infra-
structure because they know if their communities in which they are living do not have these grants, their tax base goes up. They also want a viable com-
munity that is around them because they want their children and their neighbors to have an opportunity, and they also know so very well what it means to have value-added, to add long-term productivity to their raw commod-
ity.

Mr. Speaker, I urge my colleagues to support this bill and support rural America. I, again, thank my colleague for yielding.

Mr. McINNIS. Mr. Speaker, at the begin-
ing of my comments, I talked about ecoterrorism in the United States. I want my colleagues to under-
stand that it is the goal of my com-
mittee that I chair, the Subcommittee on Forests and Forest Health, which has jurisdiction over some of the prop-
eries upon which the crime of ecoterrorism is committed. That our committee is considering this a pri-

ority, and in light of the horrific ter-

rorist act that occurred on September 11, once we restabilize from that situa-
tion, our subcommittee intends to ag-
gressively pursue those people who condone or somehow participate in ecoterrorism within the boundaries of our country.

Terrorist acts of any kind, to forward or push forward the agenda of any cause, is improper when utilized in this type of form.

We have wonderful laws in this coun-
try, and there are lots of laws, and our Constitution itself provides for things like the freedom of speech. You can walk down and protest, the freedom of protest. There are lots of tools avail-
able to those who object to current laws or to those who object to the di-
rection this country is going without you having to resort to breaking a law. That is the key issue here. Whether it is terrorism performed by another country, which we unfortunately saw on September 11, or whether it is ecoterrorism that is performed within our own boundaries.

I just want to remind my colleagues, this is exactly what took place in my district. My district, Mr. Speaker, is the District of the South of Colo-
rado. It is the mountains of Colorado. We have up there Vail, Colorado, and in Vail, Colorado, just 3 years ago, we had
some terrorists, U.S. citizens, we suspect, and we suspect from an organization called the ELF organization that went up, and this structure is a $13 million structure and it was completely inflamed. They burned that structure. That structure was not in violation of any local zoning code. It was just in violation of the mindset of a few radical, criminal elements within the boundaries of our country who decided that the only way to address this issue was to burn the local zoning board, not to approach any elected officials, not to go out and have an open protest at the city center.

Instead, the way to do it is very slyly at night sneak in and put all kinds of fuel in this lodge and burn it to the ground. I wish those people knew how many trees were cut to replace the trees that were burned in this lodge. I wish those people knew how many million dollars or jobs of executives; these are jobs of people that ran consciously, not in a selfish way, that, sure, prayer is a necessary part of the fight against cancer, but you cannot do it on prayer alone. You have to go in and aggressively cut that cancer out of there.

That is exactly what we need to do with terrorism. That act of terrorism, no matter what they say, no matter if they try and justify it, justify the terrorist act of September 11, do not buy it for one moment. It is a vicious cancer — no cancer is good for the human body. And no act of terrorism is good, for not only our society, it is not good for the society of the entire world, regardless of which country you come from.

We need to fight this, and we need to fight it as aggressively as any one of my colleagues would battle cancer within your own body. Not for one moment, if you had cancer, and some of my colleagues have been treated for cancer, not for one moment have you ever found anybody that says, well, the cancer in your body is justified. You had it coming. You deserved that cancer because of an action you took. Even for those people who do not say to them, well, you deserve the cancer. We may say, look, you may have contributed to this, but it does not justice the cancer. It is the same thing with this terrorism.

I would ask people as you begin, and I am beginning to see this in newspaper articles, or I am beginning to see it in the commentary and editorial papers, well, the United States, you know, when we sit back and take a look at it, maybe the United States was too aggressive on its foreign policy, or maybe the United States kind of deserved it because they were bullies.

What a bunch of crap; unacceptable crap. Whatever you call it, unacceptable. There is no justification, there is no excuse, none, zero, that you can put forward for the kind of atrocities that were performed against this country, that were activated against the people of the world.

Remember, remember, 80 separate countries lost citizens in these terrorist attacks of September 11. Every ethnic race that I know of, every ethnic background that I know of suffered losses as a result of this terrorist act. The Muslim people, people of Islam, the religion of Islam and the Muslim population suffered some horrible losses in this act of terrorism.

This act of terrorism did not discriminate between women and children and mothers and fathers and military officials and policemen and firemen. It did not do any discrimination. It went out and destroyed every human part that it could get its hands on, just as cancer does.

Cancer shows no discrimination. Cancer comes after you, and that is exactly what these terrorists have done. We need to go after this aggressively as our country feels about cancer. And cancer, as we know, to take it on, it is a long-term battle, and it requires lots of resources to be able to conquer it.

So I say to the American people, do not let anybody try and justify or say that the United States somehow deserved or somehow walked into this act of terrorism, this act of barbarism.

Thank goodness we have the leadership then that we have now, that we have today, because, you see, again another analogy to cancer. It is like cancer on the brain. Our President and his team, whether it is Condoleezza Rice, whether it is Colin Powell, whether it is Donald Rumsfeld, his defense team, his team has at the White House, realizes that when you have got cancer on the brain, you cannot blow the brain out of the body, out of the skull. You have to do very medical, very careful, very focused surgery so as to be able to remove the tumor out of the brain, out of the body, and leave the brain, as much of it intact as is possible.

The White House and our government, and I am very proud of the response that our government has put forward, and they are not jumping the gun; do not go out half-cocked and start blanket bombing everything. Figure out what those targets are. Pick those targets carefully and eliminate them. And do not for one moment again be convinced that anything short of eradication of that cancer is going to cure the cancer.

Can you imagine going into the doctor and the doctor saying, well, we got the cancer, but we left a little of it around because we really did not want to offend the cancer. We did not want to go too deep into it.

You know as well as I know that if you have got cancer and they can get access to it, you want them to cut out every last cell of that cancer. In the same thing applies here. We need to cut out every last terrorist cell that we can find in this world, because if we do not, as Tony Blair said yesterday in his remarks, if we do not defeat it, referring to the terrorism, if we do not defeat it, it will defeat us. It is that simple. It is a very clear distinction to make. It is as clear as night and day. We either defeat it, or it defeats us. We either defeat it, or it defeats us. It is a very simple proposition. You win, or you lose. There is no halfway point at all.

In this particular case, the winner takes it all. Remember that song by ABBA, “the winner takes it all.” That is exactly what we are facing here with this terrorism. If we do not beat it, it will beat us.

Fortunately, the good people of this country have responded in a very strong manner, and they have shown this President and this government the support that this government feels is the only way to go out and eradicate the terrorist cells that exist, and they have expressed confidence that this administration and this government, that
those of us who represent the people of this country, that we will not go out
half-cocked and do things that are stu-
pid.

Now, the American people also un-
derstand that this is a battle that will
take a long time. The American people understand that it will
not be over until I am with you.
The American people understand that every action has a reaction: that when
we respond and when we begin with the
capabilities to eradicate either a bank
account or a terrorist cell or some other
evolution of the threat, that there may be retaliation. How can you get
into a battle without the threat of retaliation? Everybody beats
on their drums when you threaten to
come after them. What other choice do
they have?

Now, I feel very strongly that the
American people want us to eradicate
terrorism, the kind of terrorism that is
demonstrated through either eco-ter-
rorism within our own borders or the
type of terrorism we saw committed
within our borders but by people out-
side our borders on September 11.

I want to read to you a fascinating
article, and I do not usually do this,
read text. I like speaking without text.
I rarely use notes. These are not my
words that I am about to read you.

This article was found in Newsweek,
dated October 1, 2001. The October 1
edition. If you have an opportunity to
buy a Newsweek, take a look at it and
read this article. It is fascinating.

Once outside, I passed store fronts
beneath our windows. There were color
posters of the missing hanging on the
walls of the station. There were color
pictures of men and women of every
shape and size, race and religion, lying
on the beach, playing with their chil-
dren on the living room floor, or danc-
ing and laughing with husbands, wives
or lovers.

I heard my peers say things like,
'This is our own fault for getting in-
 volved in everybody else's business.'
And, 'This is because we support Israel
and we shouldn't do that, because
they took the land from the peo-
ple that it belonged to.'

This made me angry to hear my ac-
quaintances try to justify atrocious
terrorist acts. Many of these students
do n't see the difference in mentality
between us, the majority of the people
in the world who have resisted perfidy
and the fiendishness that流水.
The people who are willing to
make themselves into human bombs to
destroy thousands of lives. These ter-
rorists despise our very existence.
Americans have to be educated about
the history of the Middle East. We
can't afford to have uninformed opin-
ions, no matter what course of action
we think the United States should take.

I am doing my part. Weeks ago, all
I could think of was how to write a
good rap. Now I am an informational packet for students on our foreign policy towards the Middle
East.

In an ideal world, pacifism is the
only answer. I am not eager to say this,
but I do not live in an ideal world. I
do not believe that our leaders should
be callous or bomb already ravaged
countries like Afghanistan. I worry
that innocent citizens in that country
will have a much different reaction to
our fighters jets than I do. Americans
may want peace, but terrorists want
bloodshed. I have come to accept the
idea of a focused war on terrorists as
the best way to ensure our country's
safety. In the words of Mother Jones,
'We want to do nothing is pray for the
dead and fight like hell for the liv-
ing.'

That was an article by Rachel Neu-
man, and she was 19 when she moved to
New York. Obviously from the article
about 22 or 23 years old. I think it
is one of the best pieces that I have
read during my entire political career.
I hope some day I have an opportunity
to meet this person. I think this article
is incredible, and I think it describes
very accurately what is happening out
there for those people who somehow
think that these barbarians, that these
terrorists, that this cancer is somehow
justified.

No matter what our beliefs are, how
can we ever imagine, how could we
ever believe so strongly that somebody
could blindly go without discrimina-
tion and hit a tower with such fierce-
ness that people are leaping out of the
tower to their death 110 stories down
below? There is a picture out there
showing a couple holding hands as they
leap off the building. How can we pos-
sibly look at a country as good and as
strong and as wonderful as the United
States of America and say that the
United States of America and its peo-
ple are responsible for this? I don't think that
any country in the world deserves an
act of barbarism like was carried out in
this country on September 11.
Now, I understand, I understand that in our Constitution, and I am proud, frankly, that our Constitution allows freedom of speech. So I do not deny anybody the right to make those statements, but they have an obligation to understand their statements. It is kind of like the professor in Amherst, Massachusetts, who, the night before this took place, made a big issue about Amherst was flying, that people in that town were flying their flags too often and they should be restricted from flying their American flags. Mr. Speaker, there are consequences to free speech. You can make it, but do not be upset when people question you, or when people I think who have a fundamental right to come to you and say, how do you justify that? I do not deny these people the right to make that freedom of speech, but I despise the fact that they cut our country short, that they do not realize that the people that carried out this horrible act of barbarity, they carried out a mission going to give their lives in this mission that they were exercising, that is, the right of free speech.

Do we think for one moment that these people have human rights in this country? Do they have the right to exercise their beliefs the way they exercise it? Remember, this is not the religion of Islam. Islam does not allow violence, unless you have jihad, which jihad is a description of a battle against an injustice, and even jihad has rules. Jihad requires that you not kill innocent people. Jihad says, you do not destroy a soldier who does not have his weapon drawn. Jihad says that you did not destroy buildings; you do not destroy a tree that even has a green leaf on it. All of these principles were violated.

This act of violence was carried out under the cloak of the Muslim population or under the cloak of the Islam-type of religion or under the Koran book, but that is all false. These people had one thing in mind: not to further the belief of Islam, not to further the needs of the Muslim people, but to destroy a society that has been a society of freedom, that has been a society of constitutional rights, the right of movement, the right to own private property, the right of equality. The second that any of us hear someone try and justify this act or somehow support the people that are behind this, take a look at how they treat women. Take a look at their record on human rights. Take a look at what other contributions, positive contributions they have made for society.

Not very long ago, I heard somebody say, well, you at least have to put yourself in their shoes. They believe so deeply in their cause that when they flew those airplanes and they got in those planes, they knew they were going to give their lives in this mission to hit those towers, or to hit the Pentagon. I about fell over. Do we know what those people were? Those people were the terrorists? It was pure and simple. It was to commit suicide in order to destroy other human life, and destroy a society. They did not discriminate. They did not care whether they killed children. They did not care whether they killed mothers. They did not care whether they killed fathers. They did not care whether they killed teachers, or prisoners, or people of their religious beliefs. They did not care. All they wanted to do was kill people, and that was their mission. That is what they gave their life for.

Now, not long after they gave their life to destroy life, there was what, 300-and-some firemen and 200-and-some police officers who ran up the stairs of those towers to meet certain death. They knew they were going to die when they went up those towers. But that was their mission, and that was their duty. What did they give their lives for? They gave their lives to save lives. They gave their lives to go up to people who were injured, who were hurt, who were scared and save their lives. So how is that a clear distinction between wholesomeness and cancer? That is exactly what those terrorists are. They are the worst case of cancer our society has ever known.

Fortunately, there is a commitment of our society, our commitment from governments all over this world. The coalition that our administration has put together is a strong coalition, and they have one goal in mind: to beat it. Because if we do not defeat it, it is going to beat us. And I said earlier in my remarks, this is a very clear decision. In this case, the winner takes it all. We either beat it or it beats us. As Tony Blair, again, as I said earlier in my remarks, Tony Blair said so well yesterday, so well yesterday, that if we do not defeat it, it will defeat us. When we talk about defeating us, look at what America has offered to the world.

There is nothing, in my opinion, to apologize for for being an American. I do not apologize for being an American and apologize for being a citizen of the United States of America. I have no apologies for the United States of America. This country has fed more people than any other country of the history of the world; and many, many, many of those people are outside our borders.

This country has done more for other countries, specifically including the country of Afghanistan, and other countries out there, has done more for those countries than any other country in the history of their country. This country has done more to protect the freedom of religions around this world than any other country in the history of the world. There is no other country in the history of the world that allows the types of freedom of speech, freedom of protest, freedom of assembly, freedom of private property than the United States of America. There is no country in the world that has educated more people than the United States of America, and those people have been the winners. This country in the world that has made more contributions to the field of medicine and health care than the United States of America. There is no other country in the history of the world that has gone time and time and time again with its military might outside its borders to help its friends and allies throughout the world.

To those that look the next time you are in Europe, see what kind of cemeteries are over there. Take a look at that. Those are American cemeteries over there. Those are young American men and women, if that conflict were to occur today. We are willing to make sacrifices for the good of the world.

Now, some people may gripe because well, America does not quite have it right there, and maybe we need some adjustment; but as a whole, we have nothing to apologize about. Now we face an enemy that is spread thin, that has been very effective in its first strike. Remember, they got the first strike. We got the second. But nonetheless, we have to say, they were fairly effective in the horrible, horrible harm that they did to this Nation. But this Nation will respond, and it will respond in a unified fashion. Unified not only within our borders as reflected by the poll results and so on and just going out on the street and talk about it or listen to people, as reflected by people like Rachel Newman who wrote, as I said earlier, one of the finest articles I have ever seen, but also reflected this uniformed, shoulder-to-shoulder type of attitude is reflected with countries throughout the world, whether it is our good, solid brothers and sisters in the United Kingdom, whether it is our allies in Mexico, in the country of Mexico, our neighbor to the south.

By the way, an interesting thing I would like to bring up, our military recruiters, I had a couple of recruiters tell me that they are getting calls out of the country of Mexico, our neighbors to the south, of Mexican citizens who want to come up and join the U.S. military to fight for this country because they believe in this country. Now, that is a great neighbor to Canada to the north. I mean, face it. We are ready for the challenge. We wish we did not have the challenge, just the same as every one of us wishes we would never get cancer. But the fact is, cancer and terrorism have struck. They are both deadly. They both fit exactly the same description, in the same bowl, and both of them need to be eradicated. This battle will be won by the United States and its allies. It will not be won by the countries that advocate, shelter, or actively participate in acts of terrorism as a cause. It will not work.

Now, what are some of the things that we need to do in this country?

Mr. Speaker, there are a couple of things that I ask Members to keep in mind.

First of all, Mr. Speaker, we need to persevere in our support for the Government. That is not to say that our
October 3, 2001

CONGRESSIONAL RECORD—HOUSE

H6243

Mr. PALLONE. Mr. Speaker, I wanted to spend some time this evening talking about the tragedy at the World Trade Center, the terrorist attack. I do intend to get a little personal with regard to my district, which happened to be very close to the World Trade Center. Many of the people who worked in the World Trade Center and who died in the World Trade Center were actually my constituents.

I would like to talk a little bit about some of the things that we are doing in Congress in response to the terrorist attack, some of the things that we have already done legislatively, and where I think we may go or should go over the next few weeks or the next few months in terms of what we do in Congress to respond to that attack.

I may or may not be joined by other colleagues this evening so I may not use all the time; but, Mr. Speaker, I wanted to say on a personal note, I visited the United States on the Friday after September 11, it was a very devastating scene at the site, at ground zero.

I used to work in New York City in a building known as the Equitable Building, I commuted back and forth to New Jersey, to my district, when I was younger. The Equitable Building is basically a block away from the World Trade Center. If you walk out you you physically see the World Trade Center. Of course, I went to the World Trade Center many times in the course of my work when I worked in downtown Manhattan, so it really was a shock to go to ground zero in Manhattan the Friday after the terrorist attack and to see the devastation.

But I have to say that as upset as I was that day in seeing the devastation and the piles of rubble, I was uplifted by many volunteers that came from my own State and from all over the country, really, to try to help out, both initially, in the immediate aftermath of the terrorist attacks, and then, of course, in the days and weeks now that follow.

They were people who were involved in the rescue operations and in clearing the place. It was really an uplifting experience seeing all those people out there working together.

I think when I was standing there on that Friday and the rescuers came by, there were three firemen from Hollywood, Florida, who wanted a chance to shake the President’s hand. Of course, I kind of hustled them up so they could shake the President’s hand. I really did not have any idea until I got there that day that there were police and fire and emergency rescue workers that were coming from as far away as Florida. There were probably many from even further away, from other parts of the country, or even from other parts of the world. As I said, an uplifting experience to be able to witness all of that in the face of this tragedy.
I wanted to say if I could, Mr. Speaker, that I want my constituents and residents in New Jersey to know how much the people of New York, the leaders in New York, appreciated all the things that New Jersey volunteers did. My district actually across water or across what we call the Raritan Bay. One can actually take a ferry from the World Trade Center area and in the course of maybe half an hour, 40 minutes, reach my district on the other side of Sandy Hook and Raritan Bay.

What we found in the aftermath of the tragedy is that many of the volunteers from my district were helping ferry people back and forth, as well as supplies back and forth to Manhattan on the ferries that traveled back and forth.

Mr. Speaker, we lost probably, in the two counties that I represent, Middlesex and Monmouth Counties, about 200 or so people in the World Trade Center attacks, at least 70 of the people in each county lost their lives. It is a fact that many of the people have had memorial services and their relatives have reconciled themselves to the fact that their loved ones are not going to return. I have attended many vigils in the district and in Monmouth County, and we also had two forums in the district in the week after September 11. One of them was in Middlesex County and the other was in Monmouth County.

The one in Monmouth County, my home county, where there were the larger percentage of the victims, was actually held in Middletown. Middlesex is a suburban community where some of the ferries operate. Middletown lost over 30 people, and probably had more victims of the tragedy than any other municipality, other than New York City itself.

There was an article, Mr. Speaker, in the Washington Post on September 24 that talked about Middletown and the tragedy and how it impacted the people in Middletown. I do not want to read the whole article because it is very lengthy, but I will include it in the Record.

Mr. Speaker, I will quote a few things from the article. It is rather sad. I know as time goes on we do not want to dwell on the sorrow, but I do think that because Middletown lost so many people, that I would like to read some sections of the article, because I think it says so much about how people suffered and how they coped.

A lot of the thoughts that were in this article in the Washington Post were expressed at the forum that I had in Middletown within a week or so after the World Trade Center tragedies. Some of it was actually uplifting. When we had the forum at the VFW in Middletown, some of the women that were part of the Ladies Auxiliary at the Veterans of Foreign Wars there, they helped a lot with the forum; and one of them actually wrote a national prayer which I would like to read.

If I could just take a minute to read some of the accounts in the Washington Post, it starts off, “New Jersey Town Becomes Community of Sorrow. Ferry Haven Took Heavy Hit.” It is written by Dale Russikoff from the Washington Post, Monday, September 24.

It says, “Middletown, New Jersey. It was the water and the great city just 10 miles across it that drew them here. By train or bus, New York is little more than an hour away, but by far the most romantic commute, an oxymoron in most other towns, is by water. At dawn, the ferry ferries commuters and colonial homes by the thousands board ferries at Sandy Hook Point, and 45 minutes later look up from laptops and newspapers to see the sun rising behind the majestic Manhattan skyline and the World Trade Center towers, where much of Middletown worked.

“Wall Street money built mansions in places such as Greenwich, Connecticut, and Large Mountain, New York, but in Middletown, New Jersey, as the name implies, they created a suburban ideal for the State’s up-and-comers, safe neighborhoods, good schools, strong churches, open spaces, roomy houses with mortgages they didn’t have to think about. So when the Twin Towers fell on September 11, much of Middletown fell with them. The official toll stands at 36, and authorities fear it will reach 50, among the highest, if not the highest, of any town outside New York City. But the aggregate number does not begin to convey the losses.”

Mr. Speaker, it goes on to talk about the grieving residents, my grieving residents. It talks on a little bit about the experiences after the tragedy. It says that more than half of the people who we lost in Middletown “... worked for Cantor Fitzgerald,” and I am quoting again from the Washington Post, the fabulously successful bond brokerage at the top of the World Trade Center Tower I that lost 700 employees.

“For a generation, now, Middletown has been a beacon for the young traders of Cantor Fitz. That was the nickname.”

I understand that most of the people that were lost in Cantor Fitzgerald were on the 105th floor, so basically they had no chance to escape. It was where the terrorist plane actually hit, so they did not really have the opportunity to escape.

The last thing I wanted to read from this Washington Post article, it was when people in Middletown the week after the World Trade Center tragedy. As I said, it was at the VFW. I would like, Mr. Speaker, for my colleagues to understand that Middletown is not only a commuter town, but it also has a military base. Earle Naval Weapons Depot is located there and also has a military base. Earle Naval Weapons Depot is located there and also has a military base. Earle Naval Weapons Depot is located there and also has a military base. Earle Naval Weapons Depot is located there and also has a military base.

There is a lot of loyalty and pride in Middletown over the fact that Earle is based there and that there is a long tradition of the sailors being there and of people working at the base.

Middletown is also not very far from Fort Monmouth in Monmouth County, which is an Army installation of about 12,000 employees and it is the communications and electronics command for the Army.

So we have in Middletown and in Monmouth County and in my entire district a strong tradition of the military. It was interesting because when I was at the VFW that night in Middletown, even with so many people having died from that town, and even with the military bases being there and people already getting prepared at the base for a potential war against terrorism, many of the people that showed up, and many of them had fought in World War II and Korea and Vietnam, stressed the fact that they wanted us only to go after the terrorists. They did not want our ground troops to go into Afghanistan or some other places unless it was actually going to mean that we were going to get the terrorists and the people responsible, or the people that harbored. They did not just want us to get involved in an indiscriminate war that might impact innocent people.

I was not surprised by that, but I think it needs to be stressed because sometimes in Congress we worry about the nature of our response.

This was the last section from the Washington Post that is sort of on point in this article. It says, “Not all the people of Middletown are comforted by talk of war. Many have children in the military who may soon be in harm’s way and several who lost family members in the September 11 attack are horrified to hear Americans calling for people of other countries to die en masse to avenge their loved ones.”

Mr. Speaker, I wanted to read this National prayer that I said was composed by the chaplain, Emma Elberfeld. This was a prayer that was basically handed out that evening at the VFW and it says, “Lord, we come to you on bended knee, head bowed and our hearts filled to overflowing with so much grief for the many people who have been injured and killed in our National crisis. We ask you, Lord, to give courage and strength to those who so bravely go to their aid. Although their hearts are heavy and filled with sorrow, we ask you, Lord, to give them the endurance needed to help them through this difficult task. Please give us the strength, Lord, to get through this difficult and devastating day that faces each of us in our country. Protect and guide our military that are now being called to duty.”

We ask, Lord, please guide our leaders of this great country in their hour of decision. The burden that has been placed on shoulders during this crisis has been overwhelming. We humbly
ask that with Your infinite wisdom, You guide them gently to the right decisions.

"Lastly, Lord, we ask that You allow us all to come together as a Nation. Help us stand tall and united so that we might help each other in our hour of need.

This is by Emma Elberfeld, chaplain, and Peg Centrella, Americanism chairlady.

Mr. Speaker, I wanted to, if I could, spend a little time. In part, this is for my constituents, talking about some of the responses that we have had here in Congress, how we have dealt with the situation and where I think we should go from here.

I should mention that next Monday I have scheduled in my district a forum on homeland security, because there has been a lot of concern about what Congress will do to secure things at home. Health concerns, for example, the biological or chemical warfare. Also, I have a forum scheduled the following Sunday, I believe October 14, where we are going to talk and stress tolerance because I should explain that my district is very diverse ethnically.

I had a meeting one night in one of the towns that I represent called North Brunswick, which is near New Brunswick where Rutgers University is headquartered. I could count people from 30 different countries of the 40 or so people of the town. They were from such exotic place as Uzbekistan, for example. We have a very high percentage in my district of Asian Americans, of Americans from the Mideast, large Indian populations, South Asian population, Pakistani population, Sri Lanka, and a large Muslim population as well.

There has been a great deal of concern about the fact that we need to be tolerant. That we do not want people who do not have to look Arab or Pakistani or from Central Asia that they be targeted and somehow be seen as at fault for the attack. I will talk a little bit more about this evening, although I do not intend to go on too much longer.

As you know, Mr. Speaker, that we passed in the immediate aftermath of the World Trade Center tragedy, we passed a supplemental appropriations bill, of which I think was $40 billion of which half, about $20 billion, has to go to help the victims and the rescue operations that resulted from the World Trade Center tragedy and the Pentagon attack. I want everyone to understand in my district and in New Jersey that a significant amount of that money will not come to the victims but also to help the towns and the fire departments and those that provided rescue operations, because the bill, as you can imagine, is rather extensive.

We also, as you know, Mr. Speaker, within a few days after the World Trade Center attack, passed a resolution authorizing the President’s use of force. I will say once again and restate, as I assume every one of my colleagues feels very strongly, that basically we were authorizing the President to use whatever force was necessary in order to go after these terrorists, to eliminate the terrorist cells and the network, and also to be used to help train the nations to protect or supply the terrorists.

I am 100 percent supportive of that, that everything that needs to be done should be done to make sure that they are rooted out and they do not pose a threat to us or to the innocent victims here in the United States.

As I mentioned, myself and the gentleman from New Jersey (Mr. HOLT) who also represents parts of Monmouth and Middlesex Counties, we both visited to the two military bases that we share, Earle Naval Weapons Depot as well as Fort Monmouth, and we saw the state of readiness that they are at. Earle is the only ammunition depot on the East Coast that has the capacity to take ammunition by rail, if you will, from the heartland of the United States, and then has direct access to the Atlantic Ocean so that that ammunition can then be transported to ships and to all vessels that would have to go to a theater of war in the Atlantic or over in the Persian Gulf.

Fort Monmouth is the communications and electronics command for the Army. Anything that involves communication or electronic warfare is supportive of the war effort against terrorism essentially goes through Fort Monmouth. They do all the research and development under CECOM. Communications and Electronics Command, for the Army, but they are also involved in communications in the field for a soldier that is in place in a theater of war.

So one can see how significant these bases are, and myself and Congressman Holt who was there, and I was very much pleased by what we saw in terms of the state of readiness and everybody being so organized to take part in this response to terrorism, and we will continue to do whatever we can to be supportive of those bases.

Also, Mr. Speaker, the next week after the World Trade Center attack, we came back to Congress and we passed the airline bailout bill, as I call it, and that was very important for my home State of New Jersey, because although we do not have a major airport in my District, we are not very far from Newark Airport and Continental Airlines. Of course, it is a major depot for them and we do have many people that have been laid off and we have the airlines suffering. So that was an important bill.

I did want to say that I think many of my colleagues have pointed out, and particularly last night, we had a special guest, a gentleman from Florida (Mr. HASTINGS) who I talked about his displaced workers legislation. I, for one, and I know many of my Democratic colleagues were very concerned that that airline bailout bill did not provide any kind of benefits or help for workers who had been laid off, of which I have many in my District, and we will continue to agitate that the House leadership, the Republican leadership, needs to bring up a displaced workers bill that will see that those people who have been laid off in the airline industry or in any industry that has suffered as a result of the World Trade Center tragedies, that those people who have been laid off would get extended unemployment benefits, extended unemployment benefits and other benefits that are necessary for them to feed their families and to keep going and training to get another job if they cannot go back to their position in the airline industry or in the limousine industry.

For example, I mentioned limousines, because when I had my forum in Middletown, when I approached the VFW that night after the World Trade Center tragedy to have the forum, I noticed a number of limousines that were parked outside. I asked myself, what is this, what are the limousines doing here? Then I walked into the forum and realized that these were limousine operators and drivers who had been laid off or who were making 5 or 10 percent of the trips that they used to make because a lot of it was to the airports or to New York City, and they need help, too.

So, even though we did the airline bailout, we need also to look at other industries that have been impacted, and we certainly need to help those displaced workers that have lost their jobs.

The other thing that we need to do in the future, and I know the Democrats in particular have been talking about, the form of an economic stimulus package. Obviously, it is close to New York City and have a lot of people that work in New York in the securities industries in New York, in the Stock Exchange, we are very concerned about what is happening there and the economy in general and to provide a package that will stimulate the economy and get us out of this slump that we have been in.

Of course, I, and I know the Democrats have been stressing the need to provide a stimulus package that just does not help the corporations, or just does not help wealthy people, but also helps the average person so that this money gets back into the economy and is spent and helps stimulate the economy.

I wanted to talk a little bit now, if I could, before I end about these other forums that I do plan to have over the next week or so, the one next Monday on homeland security and the one the following Sunday, I believe, on the issue of tolerance.

Within the Democratic Caucus, we have a Homeland Security Task Force that actually is chaired by one of my colleagues, the gentleman from New Jersey (Mr. MENENDEZ), and they are in
the process of putting together a principles and actions on the issue of homeland security. Some people have said to me when I use the term “homeland security,” what does that mean? What are you talking about?

Basically, when I have had forums in my District, the question that I put under the rubric of homeland security have come up quite a bit, and there has been a lot of discussion about it, issues such as what would happen in the event of a chemical or biological attack? Is our water supply secure? Are our nuclear plants, which we have some in New Jersey, secure? These are the kinds of things we need to respond to and deal with, obviously, over the next few weeks.

In addition, there is the whole issue of security with regard to means of transportation other than airplanes. I heard Senator BIDEN from the other body speaking on the Senate floor just a few hours ago about Amtrak and about how Amtrak runs relatively smoothly in New Jersey, we are in the middle of the northeast corridor for Amtrak, the Metroliner, other high speed trains. One train obviously carries a lot more passengers than an airline does, and yet until September 11, I do not think anybody thought much about the security of a train.

In my District, and I am sure it is true all over the country, even to take a Metroliner or a high speed train, you basically walk on with your bags. Nobody body checks your bags. If you go on a Metroliner, usually they will check your ticket to see if you have a ticket, but there is not the consciousness that you need to worry about security. Well, we need to.

We need to worry about security for all forms of transportation: buses, trains, and other kinds of mass transit. And the other issue that has come up at the forums which fits under this rubric of homeland security, and there are many, but at the forum that I had in Middlesex County, in Edison, New Jersey, a lot of people talked about emergency management concerns and communications. In other words, how we communicate in the event of a terrorist attack. Do we have the ability to provide information? Most people were watching CNN, but there needs to be an emergency system absent CNN to communicate with people. And there was talk about whether that needs to be done at a State level or at the county level.

These are the kinds of things that come up under the general category of homeland security, and of course they need to be addressed. Hopefully, we will address them here in the Congress over the next few weeks and the next few months.

The last thing I wanted to mention, and I just mentioned having this forum in another week or so on the issue of tolerance, this is very important in my district but I think all over the country because of the diversity of our citizens, and particularly in my district because we have so many citizens that are Muslim or could look like the stereotype that we have of somebody who comes from the Middle East or other groups like South Asia. A lot of my constituents, whether they be Indian, Pakistani, or whatever their religion, have told me they have actually experienced in some cases threats, in some cases slurs, whatever, in the aftermath of the tragedy.

We actually had one person, who was from Milltown, Mr. Hassan from Milltown, in my district, who had moved to Texas to set up a small grocery store a few months before September 11. His wife and his family were still in Milltown. He was actually murdered within a few days after the World Trade Center attack. Most of the information we have seem to indicate that it was a hate crime.

Of course then, he brought his body back to his district, to Milltown, and there was a service at the mosque in South Brunswick. I spoke to his widow on the phone. With all the tragedies that we had in my district and all the people that died at the World Trade Center that was the most difficult conversation I had in the last few weeks, if not in the last few years, because she talked about his patriotism and why he came to the United States; because he wanted to be free, and how he believed in America. He was a capitalist, obviously, in the sense he wanted to open up a small business and be successful.

She expressed in such an eloquent way why it was important for us in this country to speak of tolerance and not tag Muslim Americans or Pakistanis or Indian Americans as somehow involved in terrorist attacks. That is why I think it is important that we all continue to speak out on the issue of tolerance.

I was very impressed with President Bush, and my colleagues know I do not always agree with President Bush on many things, but I was so impressed with the fact that every day, not only on the day of the tragedy, September 11, but on the Thursday after, when I met him at the White House, on the Friday when we went to the World Trade Center, and when he addressed a joint session of Congress the following week, on every one of those occasions and every occasion I have seen him talk about the tragedies of September 11 he would talk about Muslims and how Islam does not preach violence, and that Muslim Americans should not be stigmatized and should not be treated any differently because of this World Trade Center attack.

We need to continue to do that. I have to say I was very impressed that in my district we had a number of vigils that I attended. At every one of the vigils that I have attended since September 11 there was a Muslim religious leader present to say a prayer and to offer condolences. And I think that the people organizing those vigils in my district were going out of their way to make sure that there was a Muslim cleric there saying a prayer, to make the point that Islam does not preach violence and that the jobs are of Muslim descent in the district and around the country should in no way be associated with this terrorist attack.

We know, in fact, that many Muslims and people of Mid Eastern or South Asian origin died in the World Trade Center. There were Palestinians, there were Pakistanis, and there were many Indian Americans. And when I went to see the rescue operations, I saw many of those people, either physicians or nurses, who were involved in voluntary efforts that were from those same groups as well.

It is crucial that we continue to preach tolerance. Hopefully, we could even see some progress in some legislative initiatives, and a hate crimes legislation that would increase penalties for hate crimes. Maybe we can also, in the aftermath of the World Trade Center attacks, pass legislation that would prohibit racial profiling. There has been some positive way that could be done as a positive response to the World Trade Center attacks in order to preach tolerance and to put this Nation on record legislatively even stronger against any kind of racial or ethnic attacks.

With that, Mr. Speaker, I wanted to end, if I could this evening, with a letter that was sent to me by one of my constituents from Long Branch, which is my hometown, that was one of the meetings I held. This was a meeting I held with some Long Branch residents in the aftermath of the World Trade Center attacks.

This was sent to me and written by Colleen Rose, who lives at 311 Liberty Street in Long Branch, in my hometown, not far from my congressional office and not far from where I live. She really sums up well the way I feel about the way I think also most of my constituents feel. It is titled, “To the Terrorists That This Concerns:

“It is obvious from your actions that you wanted me to feel the way you do. Well, I am an American. I have choices. I will not be controlled.

“Where you would have my country and those slain seen as victims, I choose to see them as patriots. Americans are not victims.

“Where your actions would have me feel fear, I choose to feel the courage, strength, and comfort of my countrymen around me.

“Where your actions would have me feel terror, I choose to feel pride in the American people who watched in the Pittsburgh plane crash fought back and downed the plane in the safest place possible, sparing many lives as possible. And the way our rescue workers go on heedless of the possible injury to themselves.

“Where your actions would have me feel hopeless, I choose to feel great hope and faith in the overwhelming efforts of a Nation and world doing all
Mr. Speaker, I submit for the RECORD the article I referred to earlier from The Washington Post.

[From the Washington Post, Sept. 24, 2001] N.J. TOWN BECOMES COMMUNITY OF SORROW COMMUTER HAVEN TOOK HEAVY HTF (By Dale Russakoff)

MIDDLETOWN, N.J.—It was the water, and the great city just 10 miles across, that drew them here. By train or bus, New York is little more than an hour away, but by far the most romantic commute—an oxymoron in most other towns—is by water. At dawn, people would leave split-levels and colonials and ranch homes by the thousands, board ferries at Sandy Hook, cross the bay, and be home in 20 minutes later, look up from laptops and newspapers to see the sun rising behind the majestic Manhattan skyline and the World Trade Center towers, a surreal world.

Wall Street money built mansions in places such as Greenwich, Conn., and Larchmont, N.Y., but in Middletown, as the name implies, it created a suburban ideal for the Street’s up-and-comers—safe neighborhoods, good schools, strong churches, open spaces, rowhouses with mortgages they didn’t choka on.

And so when the twin towers fell on Sept. 11, much of Middletown fell with them. The initial official tally of those feared feared four it will reach 50—among the highest, if not the highest, of any town outside New York City. But the aggregate number doesn’t begin to tap the lives lost. For those who worked there, you have to visit St. Mary’s Roman Catholic Church, which lost 26 parishioners. Or the nursery school at Middletown Reformed Church, where two parents were lost.

Last week, the Port Authority hung the “In Honor” sign on the bridge. It read: “We remember the ones who have gone. We honor them. We respect them.” He and his wife had five children, and he lived it. He and his wife had five children, and he lived it. He and his wife had five children, and he lived it. He and his wife had five children, and he lived it. He and his wife had five children, and he lived it. He and his wife had five children, and he lived it.
"We're going to play for Paul," a tearful Lauren Einelke, 12, said after the practice, her ponytail tied with a sweat band. "He's been in our hearts every time we step out on the court," said Shannon Gilmartin, 12, a slip of a point guard.

Off to the side, John Dini, now the team's head coach, was fighting back tears. "They called it a funeral," he said. "But to me, it feels like my heart's been broken."

Not all the people of Middletown are comforted by talk of war. Many have children in the military, who may soon be in harm's way. And several who lost family members in the Sept. 11 attack are horrified to hear Americans calling for people of other countries to die en masse to average their loved ones.

"You don't want a bomb to drop anywhere. You don't want someone to go through this," said John Pietruni, whose brother Nicholas, 38, was a back office worker at Cantor Fitzgerald. "I turned on the TV and saw that big banner, 'Operation Infinite Justice,' and it was as if they were talking about a movie. I expected them to say, 'Coming soon.' . . . The way people are talking about retaliation is a disrespect to my brother and to everyone who died there."

All around Middletown are reminders of the simple things that used to define life here, that are now part of the aura of the water. It is written in the names of streets: Oceanview Avenue, Seaview Avenue, Bayview Terrace. Nobody has yet gotten used to the new meaning, Anthony Bottone, the owner of Bottone Realty Group Inc., showed a residential lot to developers last weekend, as the first plane struck. Others had lost up to $500,000 house here and see the New York skyline from the second floor.

"You should have seen the looks I got," he said.

The ferries resumed regular service last Monday, but now they carry more than commuters. Among the travelers are rescue workers, ironworkers, electricians and contractors, all involved in evacuating the rubble. There are psychologists and social workers, too, in case passengers need emotional support. Some of last week's commuters were on the 7:55 a.m. ferry from New Jersey on Sept. 11, which reached Wall Street just as the first plane struck. Others had lost up to a dozen friends.

Social worker Aurore Maren rode the ferries all week, and was struck by the commuters' distress. "They're helpless in their sense of power; they're helpless in their sense there's nothing they can do to stop this from spinning even more wildly out of control," she said.

Maren was struck, also, by something else. As the ferry passed under the Verrazzano Narrows Bridge, opening up that amazing, wide-angle view of the Statue of Liberty and the New York skyline, the commuters shouted something she'd never seen before. They all turned around in their seats. They couldn't bear to look.

IMMIGRATION AND OPEN BORDERS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's Petition, Mr. TANCREDO's amendment of January 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, it is once again my opportunity to address this body about an issue of great concern to me. It is an issue, of course, that I have been working on for some time. It is an issue that has taken on much more significance after the events of September 11; but it is an issue, nonetheless that held and should have held our attention before that time. I am talking about the issue of immigration and the fact that this Nation for now at least for decades has embarked upon and embraced a concept that we have referred to often as "open borders."

Amazing as that is to many of our countrymen, there is still a philosophy, it is still a general sort of pattern of discussion in this body and around the country, think tanks, entities like The Heritage Foundation, to continually press this concept of "open borders," even in light of all that has happened to us since September 11. It is a dangerous concept. It was dangerous before September 11, and it is dangerous today.

My colleague, the gentleman from New Jersey (Mr. PALLONE), addresses the issue of workers that have been laid off, workers that have been denied jobs; and now, as a result of these horrible events, Americans are losing their jobs. But let me point out that before September 11, even before the September 11 terrorist attacks, U.S. job cuts announced in 2001 exceeded the 1 million mark.

In this article, they give us a partial list. It goes on for four pages of the companies that had laid off employees, again, even before the attacks on our country on September 11. Lucent Technologies headed the list on this one, with 40,000. Since then, I understand, they have announced that another 20,000 people would be laid off. Nortel Networks, 30,000; Motorola, 26,000; Selectron, 20,850; and it goes on to over 1 million Americans having been laid off before September 11.

Now, of course, everyone knows what has happened in America and especially to the airline industry since September 11. Hundreds of thousands of Americans more have been laid off. It is not just of course the men and women who have been laid off in the airline industry directly, it is the thousands, maybe hundreds of thousands that we may be approaching here very soon that have been laid off as a result of the fact that the airline industry is down.

I do not know at this point in time, as of today, as of this moment, what our unemployment rate is; but I will hazard a guess that when it is announced by the Labor Department, the most recent figures will show a significant jump. And I do not think that is much of a task to predict something like that.

1930

I say to my colleagues in this body and I say to the administration, when we are presented with the administration's plans for an economic stimulus package, when presented with the plans to deal with the unemployed, I know in my dreams that in the works to extend unemployment compensation to all of these people who have been laid off, and I have heard various other kinds of comments. The gentleman from New Jersey (Mr. PALLONE) talked about doing something with health insurance. All of that is admirable, but why will we not deal with one very basic problem, and that is we have had for almost 4 decades essentially porous borders, borders that really do not exist.

We have faced a flood of immigration that has never before in this Nation's history been paralleled. Nothing we have seen in the Nation's history, not even in the quasidey, heyday of immigration in the early part of the 20th century, not even then did we see the kind of numbers that we have seen in the last 3 or 4 decades.

Right now we admit legally into this country about 1 million people a year, and we add to that another quarter of a million that come in under refugee status. But, of course, that is just the legal immigration, which is four times higher on an annual basis than it ever was. What we have faced of the immigration into this Nation in the early 20th century, the early 1900s. Four times greater. We are looking at four times the number of people coming into the country legally, and who knows how many people coming across illegally; but I would suggest that it is at least that many every single year.

The net gain in population of this Nation as a result of illegal immigration is at least a million. I have seen in the last 3 or 4 decades essentially porous borders, borders that keep people out who are not supposed to come here, that finds people who are here illegally and deport them, that finds people who are here even legally and have violated the law under their visa status and deport them. The INS does not consider itself to be an agency designed to do that job I have just described.

Mr. Speaker, the INS considers itself to be, and I quote from an INS official I was debating on the radio in Denver a couple of months ago, and during the question period by the moderator who said to her why does the INS not essentially round up people. She said because that is not our job. She said, Our job is to find ways to legalize these people. Astonishing as that might sound to the majority of Americans who are listening, to the people in the INS, that is the culture.

Mr. Speaker, to suggest to them that their responsibility, an equal responsibility at least, is to keep people out of the United States who have not been granted a visa, who are not legally coming here under any sort of immigration status, to suggest to them that is their role and that they should perhaps do something about the numbers, I say to the INS, yes, we do have illegally here, we should find them, send them back to their country of origin, we should find an employer who employed
them knowing that they are here illegally. Instead of thinking that is their job, they say their job is to essentially help these people find a way into the United States, and once they get here, find a way to make them legal.

The interesting, Mr. Speaker, is it almost beyond imagination that this is the perception and this is the culture inside the INS.

Almost every single day I am confronted by another horror story that makes a great deal in comparison in terms of the corruption inside the INS, in terms of the culture that exists inside that agency, and of course with the acquiescence of the Congress. I do not for a moment suggest that we have not played a role in this corruption.

We have essentially allowed the INS to do what they do, to abandon their responsibility, to thwart the law. We have allowed them to do so because in this body there has been, I am not so sure it is as prevalent as before September 11th, a philosophy of open borders. There are a lot of reasons why we have found ourselves in this particular situation.

Some of those reasons are quite political in nature. It is very possible that the active immigration enforcement from certain areas of the world these people will eventually become citizens of the United States. Certainly their offspring who are conceived and born here in this country, I guess I should just say in this country will become citizens of the United States via the way we grant citizenship here, and therefore able to vote.

There is a perception if we can get millions and millions of these people here, keep them here long enough to establish families, they will all become part of one particular party. That is, frankly, why we saw in the last administration a push, if Members remember correctly, to get as many people legalized and citizens awarded so they could vote in the election for the past President.

Well, that is one reason why we have such massive fraud in this whole area of immigration. Another reason is because again it is the culture inside of the INS, and it is abetted by another aspect of our society and that is, of course, businesses, large businesses and small, that employ immigrant workers, some legally here, some illegally here. Before the numbers that I came across today as a result of having a very interesting and disturbing meeting with two people, American citizens both who have been laid off of their jobs and replaced by foreign workers, H-1B visa recipients, specifically, before I get into that story I want to reiterate that an American citizen would face.

Mr. Speaker, let me say that the person who told me this should know. I was here as a fact last night. I am at least going to make that challenge. I am going to challenge anyone who disagrees with what I have just said, that there are almost a quarter of a million people here in the United States who have been found guilty of a crime.

They are here as guests of the United States under a visa process, a quarter of a million who are wandering around who have never been returned to their country of origin; and the reason is because that duty, that job, that responsibility, is one that we turn over not to the Department of Justice, in a way it is the Department of Justice because its a subset of it, but it is not to the police department, it is not to the regular court system.

They do not come before a Federal, district, or county court. They come before an immigration court. The immigration court can and almost always does when they violate the law say you are guilty to remove the immigrant’s status here. The immigrant’s legal status, we withdraw it.

Guess what happens, Mr. Speaker? Again I challenge any of my colleagues here on this floor or in this body to prove me wrong. Another of a million of these people have simply been ignored by the INS. They have chosen to simply ignore the situation.

In fact, I am told that many times attorneys for the INS who are supposed to represent the Government’s position, they end up becoming a defense attorney for the plaintiff. Either that, or I am told they are so incompetent, so incapable of actually mounting a prosecution that the whole thing is a farce.

Now I do not think that most people in America understand or know this. I do not think that I know of my colleagues here who are daily aware of what I am saying tonight. But some do. Some know that it is absolutely true because I was talking to a colleague tonight earlier and I was relating this story. I was saying is this possible. This colleague happens to be a member of the Committee on the Judiciary, and more specifically a member of the Subcommittee on Immigration and Claims.

As is often the case when I get into a discussion like this, I find that I am always being one-upped. When I start telling somebody a story like this, they say, well, listen to this.

This gentleman told me about a conversation he had had with a magistrate in the immigration court because I had introduced an amendment to do something about the 1945

As a citizen, you will face a judicial process that has some integrity, at least we can hope, and if you violate the law and if you are found guilty and if the judge chooses and a jury agrees, you can go to jail.

In an immigration court, that is not at all the case. In an immigration court, you are oftentimes told, well, you will be deported for this act. But, of course, unless the INS actually takes some part of this, comes in and says, okay, this is to be deported, we will say that he or she is deported and we will watch to make sure they do not come back. Unless that happens, you are free to wander the land and do what you want to do. And a quarter of a million people today in this country are in that status, having been adjudicated, having been found guilty of violating their status and are simply walking around the country, free to do whatever they want to do, because the INS chooses not to deal with it.

I was in the process of telling you about a conversation I had with another Member who said, that is nothing. Listen to this. I heard from a magistrate that something had been happening in his court. When people recognize what I have just described, this scam, and the charade that we call immigration courts, it does not take too long for people to figure out how to work the system. He said that a magistrate told him that before him last week, born in the United States, his parents had been born in the United States, his grandparents had been born in the United States.
States. This fellow was a citizen of the United States. He had robbed an old lady, beaten her up, stolen her purse. He was arrested. Evidently not his first offense, by the way.

When he was arrested, he had no identification of any kind. He said to the arresting officer when asked why he had no identification, he said, “Because I am here illegally. I am not a citizen of this country.” They, of course, the arresting officers, took him to a Federal court, to immigration court, at which point the matter was said, I will give you a choice of either serving time here or returning to your country of origin, which he said was Mexico. Naturally the defendant said, “All right, Judge, I’ll go back home. I’ll take your severe punishment. I’ll go back home.”

They put him on a bus, which is, by the way, more than happens most of the time. At least putting this guy on the bus was a step up, because most of the time they turn around and walk away, without any action. But they put him on the bus, they took him to the border and they said, okay, good-bye. His slate was at that point wiped clean. He then went to a phone, called his mother in Mexico and said, Mom, bring me down my ID. She dutifully got in the car, drove across the American border, brought him his ID. He then, of course, came across the border as the American citizen he was, showed them the ID, went in now, under a different name, his own name but as an American citizen. No problem. The slate has been wiped clean. And another travesty occurs.

I am told by the gentleman today that this judge who told him the story said this has happened many times in his courtroom, because, of course, people have found a way to scam the system. It really does not take, quote, the proverbial rocket scientist to figure this out. The matter to be is an illegal alien in this country when you commit a crime, then why not pretend you are an illegal alien to escape justice? Or why not just be an illegal alien and commit the crime? You will not do the time. The gentleman that called me last night went on at great length about the corrupt nature of the system, the fact that time and time again, even when bond is posted by these people.

By the way, he talked about the fact that drug dealers, new big-time drug dealers who bring these people in to transport drugs for them, when they get arrested, the drug dealer puts up the bond, it is just a cost of doing business. The individual bailed out never shows up. He is out there and is never ever looked for by the INS. I say never. In very few cases. The INS will always tell you, well, it is a matter of resources, we have returned this many, but the reality is this, Mr. Speaker, they do not care for the most part.

There are, of course, many people, and I have had them in my office, I have had INS agents come into my office and say, “Look, I’m afraid of telling this story publicly, but, Mr. TANCREDO, you are absolutely right in talking about this and describing the nature of this system. It is corrupt.” There are many, many people who believe in the capacity of enforcement agents who are trying to do their best on the borders, but what they are doing, Mr. Speaker, is trying to hold back the ocean with a sieve. We could not get much attention paid to these kinds of problems up to this point in time. It has been very, very difficult to get anybody to care.

I have talked about it at length on many occasions at this microphone and in the conference and at every opportunity I have had. Up to this point in time, certainly prior to September 11, the response I got was almost uniformly one of, “Well, we really can’t get into that issue, we really can’t deal with immigration reform because, you know, Congressman, if we do, we’re going to be blamed. If we try to stop the flood of immigrants into this country, you’ve got a whole huge constituency here in the United States that would turn against us.”

I say, who here legally supports illegal immigration, if you will do, I do not even want their vote. For the most part, Mr. Speaker, I believe that the vast majority of people in this country, of citizens of this country who came here through the regular process, who are legal citizens of the United States, be they Hispanic or Asian or whatever, they agree with us, that we must do something to stop the flood of illegal immigration into this country. But we have this fear, a fear which has paralyzed this Congress, and we are not over it yet, even after the September 11 events.

Before I get to that, I want to stay focused on this issue of H1B visas, people coming into this country under a visa program called H1B, an incredible fraud that exists there.

I told you that I met earlier today in my office with two people, two people who had been employed, they are part of the statistics in this article. They are just two of the four pages of numbers I have here of people who have been laid off prior to September 11 because of the downturn in the economy. But they were not just laid off because of the downturn in the economy. They were replaced by cheaper labor to do their very same job. They were replaced by people who came here legally under the H1B visa program.

Now, for those people who do not know what we are talking about, Members of the House, perhaps, that do not know what an H1B visa program is, I will explain it simply, it is a visa that allows you to come and work in the United States. Usually it is a white collar job under an H1B. There are variations of this, but the general premise is you come in and take other kinds of jobs, more menial in nature, less skilled jobs, but this one, in particular, I am going to talk about for a few moments is called the H1B visa program.

Recently, the Congress of the United States raised it. In 1998, the Congress of the United States raised the level, the number of H1B visas that we could issue, from 65,000 to 115,000 every single year. At that time, Mr. Speaker, industry representatives told Congress that there were not enough Americans with the necessary skills to fill the jobs that were available. Yet, government studies, most notably the Department of Labor, rejected the industry’s claims of a worker shortage. After months of negotiation, Congress adopted a temporary increase until 2002 when the annual level would supposedly return to 65,000. The 1998 H1B law also provided some protections against wage depression and job loss for American workers. However, they have not taken effect since the government has yet to issue the regulations to implement the safeguards.

Today, despite continuing evidence that there is no high tech labor shortage and with the exception of possible spillover from the downturn in the economy, foreigners by the way, Mr. Speaker, that phrase does not relate to jobs hurt by the downturn, but by the market demand works, they increased the supply of foreign workers by American technology companies has prompted this body, this Congress, to propose raising substantially annual H1B limits. We were pressured to do so, Mr. Speaker, by businesses and industries which, in turn, came in just recently with these figures.

They told us that they did not have enough American workers to fill the jobs and that is going to go ahead and increase the visas in H1B. Mr. Speaker, I do not know whether they actually lied, but I will say this, that they misrepresented the situation dramatically. Because over and over and over again, we have seen cases where people were laid off of their job and were being paid X number of dollars and were replaced by H1B visa recipients paid less money. It was not a matter of not being able to fill the job, Mr. Speaker. It was the willingness to pay the price. And so they, of course, recognizing how the market works in these situations, supply and demand works, they increased the supply and, therefore, the wage rates went down precipitously.

Now, this has become this massive, massive fraud that is lining the pockets of many millions of people around the world, but not the workers in the United States. One of the perpetrators of this fraud, an organization that I believe could be charged with aiding and abetting the fraud, is the American Immigration Lawyers Association. It has perfected the art of exploiting loopholes and technicalities in the law...
They charge these people exorbitant fees and then promise them jobs in the United States. Some of them get here, of course, are put into the pipeline, sometimes laid off immediately and sent back. The facts are that once you get here by an H-1B visa for a specific job, you never have to leave. Even if you are not working in the kind of job you were originally assigned to, that does not matter. After you are here 1 year, it is because the American Immigration Lawyers Association has aided and abetted in this fraud.

Mr. Speaker, we have now accumulated literally millions of people here in the United States who should not be here because they have overstayed their visa or in some other way caused an infraction of the visa. They are not working in the field.

Mr. Speaker, another part of this, of course, is people who come here under an education visa and are supposedly attending school here. I think we have heard about one or more of these particular kinds of individuals came here to learn. Some of those attended classes; some did not. When we look into that whole arrangement between the schools that were providing this kind of experience and education and the whole issue of visa fraud, I think we are going to be very interestingly surprised.

But the fact is that there are 30 million visas that are allotted annually, 30 million people every year are told they can come into the United States for a certain period of time. These primarily are tourist visas. But then a huge number are in the categories I talked about, work-related or education-related visas.

It is understandable, and once again I am going to state it as a question. Could this be true? A question posed to me by the individual I talked to last night on the phone, who is actually part of the immigration judicial process, if such a thing actually exists? He told me, and could this be true, Mr. Speaker? He told me that of the 30 million visas awarded annually, about 40 percent are violated annually; 12 million people violate their visa status every year, according to this gentleman.

I pose this as a question. I do not have information in front of me to substantiate it. But I will tell you once again that the individual that talked with me yesterday should be taken very seriously, and in fact I believe with all my heart does know. It was not someone at the lower level of the immigration service or judicial process.

Millions of people are here, I think, who have overstayed their visas. I just talked, remember, about the quarter of a million that have already been adjudicated; the 225,000, actually, not quite a quarter million, but that was 1997, so I am sure it is up to a quarter million now. People actually gone through the process, been found guilty and not sent back. I am not talking about the millions who are probably here who have never been brought to any sort of court, never found themselves in front of a judge because they overstayed their visa. They just simply stay, and they take jobs.

My friends, especially my friends on the other side of the aisle, talk about the need to do something for the unemployed. Well, I can tell you what to do, Mr. Speaker. You can cut off illegal immigration. You can eliminate or reduce dramatically H-1B and all of the other visa types that come in here. You can put troops on the border and make sure that people do not come across this border illegally. You can overfly the border. You can use sensors and detectors to protect this Nation, not just from those people who are coming without permission, but simply to improve their lives, of which there are millions, and I certainly understand and empathize, but protect yourself also against the people who come here with evil, malicious, or malicious intent. And there are, unfortunately, far too many of them.

Today in this body, Mr. Speaker, many Members are still reluctant to deal with the issue of immigration reform. Many Members have told me personally that they agree entirely with everything that I say about this issue, but, after all, dealing with it is another thing entirely. It is not politically correct, and it may be politically volatile.

Well, let me tell you, Mr. Speaker, that although there are people in this body who do not get it, who do not understand the nature of this problem or the depth of it, who think they can get by; that we can all get by with ignoring this massive fraud that is perpetrated by people who came here on visas, who were given incredible problems that come as a result of massive immigration, both legal and illegal; ignore the fact that the crimes that were perpetrated on the 11th were perpetrated by people who came here on visas, who were given visas.

The fact is that all of these people, and the Members of this body, many of them feel that it is too controversial and we cannot deal with it. But let me tell you, Mr. Speaker, that the American public knows this. This is a fact, and they know this. They know that terrorists were allowed to enter this country. And, of course, they are absolutely right.

In a recent Zogby poll, actually September 27, Zogby International poll, it is a survey of likely voters that shows virtually all segments of American society overwhelmingly feel the country is not doing enough. By wide margins, 82 percent of the public also feels that this lack of control in immigration makes it easier for terrorists to enter the country. And, of course, they are absolutely right.

Moreover, Americans think that a dramatic increase in border control and greater efforts to enforce immigration laws would help reduce the chance of future attacks. They are absolutely right. It would not necessarily guarantee it, it is true. It does not guarantee the fact. If we were able to seal the border tomorrow, it would not guarantee the fact that we would not be subject to another attack, but it would lessen the chance.

To suggest that people can get in even if we try to enforce our immigration laws is like saying, you know, I know there are laws on the books against robbing banks, but people do it, so why do we bother putting the money in the vault? Why not do it all, they are going to rob us anyway. That is about as ludicrous as to suggest we would not need to try to deal with our borders
and close the sieve, because right now people get through.

When asked whether the government was doing enough to control the board-
ers and screen those allowed into the country, 76 percent said the country was not doing enough, and only 19 percent said the government was doing enough. Those 19 percent were probably the people who are here illegally and just told the person calling them up on the phone that they were going to vote.

While informed conservatives were the most likely to think that not enough was being done, by 83 percent, get this, Mr. Speaker, 74 percent of the liberal-leaning moderates indicated that enforcement was insufficient. In addition, by a margin of more than two to one, blacks and whites and Hispanics all thought government efforts at border control and the vetting of immigrants were inadequate.

So although this body may not think there is a problem or that dealing with it is politically volatile, Americans do not think there is a problem with dealing with it. They believe there is a problem with not dealing with it. They believe and they know, and they are right, Mr. Speaker, that there is a huge problem that we confront as a Nation because of our unwillingness to deal with this concept of immigration control.

I suggest, Mr. Speaker, that if we ignore this any longer and another event, God forbid, another event of a similar nature as those on September 11 occurs, and occurs as a result of our inability or unwillingness to protect ourselves from people who come here to do us evil, then we are culpable in that event.

I, for one, Mr. Speaker, choose to do everything I can and speak as often as I can and as loudly as I can about the need to control our own borders.

We talk about the defense of the Nation, the defense of the homeland. An
agency has been created for that purpose. I suggest, Mr. Speaker, that the defense of the Nation begins with the defense of our borders. I reiterate and repeat, the defense of this Nation begins with the defense of our borders. It is not illogical, it is not immoral, it is not any less popular, as many of my colleagues would think. It is the right thing to do. Americans know it.

What is it going to take, Mr. Speaker, I wonder, for the rest of my colleagues to conclude? We have written a bill to deal with terrorism. It got marked up today in the Committee on the Judiciary. As I understand it, although I have not seen the specifics, I am told that every provision we had about immigration control got watered down.

In 2015 all attempts on our part to deal with the possibility of terrorism, terrorists coming into the Nation, identifying them, detaining them, deporting them, all of those proposals by the administration got watered down so that we could have a nonpartisan or a bipartisan immigration plan. That is the problem, Mr. Speaker, that I will not be allowed to offer an amendment to that bill. I believe that it will come to this floor with a rule that will prevent me or anyone else from offering some of the amendments that I believe, continue, and Mr. Speaker, that I will not be allowed to offer an amendment to that bill. I believe that it will come to this floor with a rule that will prevent me or anyone else from offering some of the amendments. I am sickened by this possibility, but I think that is where we are headed, because no one wants to rock these boats.

Mr. Speaker, I am willing to do so because I cannot imagine doing anything else. It is my job, it is my responsibility to bring to the attention of my colleagues and the American people, to the extent that I am humanly capable of doing so, the dangerous situation we face as a result of our unwillingness to deal with the threat of immigration control. Tell me how we will face our children. Tell me how we will face the future, Mr. Speaker, if another event occurs as a result of our unwillingness to address the issue of immigration control because we fear the political ramifications thereof.

I think, Mr. Speaker, that the only way we will ever change our policies is if the American people rise up in one accord and confront their elected representatives with this issue. Do not placate by platitudes and do not be assuaged by those people who tell us that we are doing something because we may allow for 7 days of detention of potential terrorists, and that is the whole intent to tighten up the package. Do not listen to me. I say to my colleagues, demand more.

What are the possibilities? I do not want to think of the possibilities of not acting. Think of the seriousness of our deliberations and of the potential consequences of this issue. They are more than I wish to deal with. I cannot imagine that we will shrink from this responsibility, but that is what appears to be in the wind, Mr. Speaker. All I can do is come here and beg Members to listen to these arguments and to act on behalf of the people of this country who look to us to keep them secure, to ensure domestic tranquility, and to provide for the common defense.

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker’s announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about three important items which definitely overlap: education, reparations and terrorism. As a member of the House and Senate Conference Committee on H.R. 1, the Leave No Child Behind Act, a major initiative of President Bush that probably will come to the floor in the next 10 to 15 days, I would like to emphasize the fact that this legislation focusing on education, which will probably set a tone and establish some basic principles and concepts and procedures for the next 10 years, is very important legislation. It is still important today, despite the pressures that we feel as a result of the tragedy of September 11. In fact, after September 11, education became even more important in general; and specifically, as we move toward creating recovery and construction programs, education must play a major role in this process of creating recovery and restructur-
October 3, 2001

CONGRESSIONAL RECORD—HOUSE

we can have people with cavernous mentalities.

In fact, Osama bin Laden, and I say bin Laden because The New York Times said that he pronounces it as Sadden; their pronunciation guide said it rhymed with sadden, and I think it is ironic that it rhymes with Sadden, S—A—D—D—E—N. Osama bin Laden is supposed to live in a cave and there are people surrounding him in a cave; but, nevertheless, out of that cave, we do not get a cavernous mentality, we do not get an illiterate, we get an evil genius, an evil person with totally no regard for human life who can strike at one of our vulnerable points and cause so much harm. Educated people surrounding bin Laden: educated people who know how to use computers and know how to communicate all over the world and who are very patient and very well organized, who know how to take advantage of every soft spot in our society: educated people who can only be corralled by or match-mated by educated people. We say, well, we have plenty of educated people. We do not need to worry about that. But I want to take a few minutes to examine some of the institutions of our society.

Just as my predecessor was examining INS, I think unfairly in so many ways, but just as he examined INS, I want to examine some of the institutions in our society which are constructed to protect us. Those institutions are run by very well-educated people, run by very well-trained people, scientists, specialists, maybe some geniuses are in the CIA and FBI. So where did we go wrong and what are we as citizens supposed to do?

In my district, I assure my colleagues, we have lost many wonderful human beings. All human life is sacred and every soul that died in the World Trade Center was sacred. I have gone to many memorial services. I experienced firsthand a situation where my daughter-in-law, who worked in the World Trade Center on the 68th floor of the first tower, was supposed to be at work at 9:30 instead of 9 o’clock, her usual time. Because she was due at 9:30, she heard the plane hit the building from the ground. She was not in the building at that time. But for 4 hours, I did not know where she was. We did not know where she was. And the kind of anxiety that I went through, I very much empathize. It is just a tiny, tiny portion of the kind of anxiety that others have suffered over these last few weeks.

When we finally found out where she was, I confess, I cried uncontrollably for a while. I found myself crying often uncontrollably for those others who did not get out and for various stories that I hear; and I cry when I realize that probably this great catastrophe could have been avoided. I have the same experience that every other human being has had this last 4 weeks. I think it is people that I know, the loss of heroic firemen and policemen, and I react like everybody else.

But on top of that, as an elected official, I wake up at night and I feel something else. My post-traumatic stress has another element. And I have noted in conversations with some of my colleagues that they are probably feeling the same thing. We are the Government. Therefore, when the gentleman from Missouri (Mr. GEPHARDT) stood on the floor and said, we failed to keep our people safe from harm, we have to accept that, in some way, we are failing and have failed from now that I asked all the questions, I sought the answers, I did the best I could, even though these things were not directly under the jurisdiction of my committee.

I am going to ask some questions of the CIA and the FBI. I have done that before, I think 3 or 4 years ago. For several years in a row, several colleagues would join me, or I would join them in using the CIA appropriations as an opportunity to discuss the functioning of the agencies, the problems that have occurred. I want to offer an amendment to cut it by 10 percent or 1 percent. We do not know exactly what the budget is, but the New York Times consistently says it is $30 billion plus. So we used to come to the floor and ask a question in a very concrete way.

Mr. Speaker, our amendment got fewer and fewer votes. It was one of those items where I felt a little guilty about discussing it because I am not on the committees and do not have the expertise, so I retreated. I have not talked about the CIA in several years, but I intend to talk about it tonight.

Education, terrorism, and reparations. The last part of that is reparations. The treatment of the subject of reparations at the World Conference Against Racism in Durbin, South Africa, this past summer is evidence that freedom-loving societies are carrying unnecessary baggage as we seek a more just world. It is as much a part of the dialogue on what our role is and where we go now as we search for the terrorism network and the terrorism, the individuals who guided that network, and we do things that are unusual, and in some cases incurring collateral damage that is unavoidable.

What is our moral mission here? How are we going to justify that? We can justify it only if we reassert the fact that we stand for freedom; we stand for democracy; we stand for the principles of the Declaration of Independence that people like to push aside. We still believe that everybody has the right to life, liberty, and the pursuit of happiness. We really believe that. We have the right to hoist a flag and march behind that flag and to deal with those perpetrators who are determined to knock down those principles.

We have a right to have as much fervor and as much zeal as anyone else, but we have to understand that the kind of fervor and the lack of zeal makes us more vulnerable. We have not pursued the perfection of our institutions with the right amount of fervor.
and zeal. Too many of us, Member of Congress, have run away, backed down, as I did: “The CIA is someone else’s job; the FBI is someone else’s job.”

Yet in this calamity that we have just begun to live through, there are critical things that we must do because of what has hit us. And I think the INS was being blamed by the previous speaker, my colleague on the Committee on Education and the Workforce. I know all about H-1B visas and the kinds of things that he was talking about, but his overall thesis was that the INS was not a very effective agency because there are too many people from outside the country being let into the country.

That sounds like something that Sitting Bull might have said, or Chief Joseph. The Native Americans probably had real justification for making that kind of statement: Too many people have been let in the country, and it is our country.

I reject any blanket statement that says that the nation of immigrants we are at a great disadvantage. We are not at a great disadvantage as a nation of immigrants; we are at a great advantage. President Clinton has often said that diversity, diversity is one of our greatest advantages. As we seek to open new markets, as we seek the good will of people all over the globe, and as we seek right now these various alliances and coalitions to fight terrorism, our diversity is our greatest advantage.

I recall too long ago a few months ago, an old movie, one of those old thrillers. The movie was all about during World War II they were trying to break the German code. In order to do that, they came up with a daring plan in Washington where they went out and recruited ethnic Germans, American Germans who were all put together on an American submarine, and they were put into a situation where they encountered a U-boat. And actually to fool, with their tactics, the people in the U-boat, and they took over the U-boat.

The point is that the whole project depended on the recruitment of ethnic Germans, people that we were at war with, but American Germans were Americans first. It is a good example of what is happening in many economic ventures. We have overwhelmed some of our opponents. The Japanese do not really know what has hit them in certain markets because they have very little competition with us. We have the University which allows us entry into all kinds of markets and situations.

Likewise, if the CIA and the FBI made use of it, that same diversity could help us infiltrate spy rings and infiltrate terrorist rings, and provide better protection for us. At least it could provide us with translators.

One of the real scandals of the present situation is that the FBI was on television and the radio in my city 2 weeks ago advertising for people they are probably still on but I just have not heard them recently, advertising for folks who could speak Arabic or Farsi. Well, better late than never, but I thought it was strange. We have been fighting an Arab-based terrorist ring for a long time. We knew that when they bombed the barracks in Beirut under Reagan, we knew that when they bombed the barracks in Saudi Arabia, and they bomb the Cole battleship. Why is it that we are not equipped with a sufficient supply of Arabic translators?

I have heard from the talking heads on television, and I have read in several general papers, that there were documents and communications that lay there undeciphered, unread, not interpreted, because there were no translators. There were no analysts.

In this great country of ours, we ought to have groups of people who speak practically any language in the world. I went to my staff and asked, in New York City, how many colleges are there where Arabic instruction is provided? Two hundred twenty city universities, 20 colleges and city universities in the system, more than 20, and then there are other colleges; a total of about 40 different higher education institutions. We found only six, only six who offered an Arabic class, Arabic, only six. Let us not even go to Farsi, which is what some folks in Afghanistan speak, or Pashtu in Afghanistan, Urdu in Pakistan.

In this great Nation of ours, with 3,000, and more than 3,000, there should not be a single language that we do not teach somewhere. There should not be a single culture that is not being thoroughly explored by some group in one of our great universities or colleges.

But we need to understand our mission. We need to go back and understand that in this global community that we have helped to create, we made the WTO, we did Fast Track and NAFTA and we created that the markets of the world belong to us, and therefore we are willing to have an interaction with the rest of the world unlike any ever known before.

If we are going to do that, let us use some of our magnificent resources. We have foundations that are loaded with dollars, foundations which certainly could have programs on culture and languages that they finance in our various universities. I am not talking about a government program or a government initiative but the universities and colleges and foundations should have an initiative which guarantees that no matter where we go on this globe, we have a body of people who understand the culture and the language of those peoples and colleges.

For the CIA, it becomes an immediate need; for the FBI, it becomes an immediate need. I will submit this article from the New York Times on Wednesday, October 3, in its entirety. I will read some excerpts from it.

Mr. Speaker, this is an article that appears today in the New York Times, Wednesday, October 3, entitled “House Panel Calls for Cultural Revolution in FBI and CIA.”

Now, I am still a little reluctant to do too much criticism of these venerated institutions here on the floor because I have had these comments from my colleagues and to me that I embarrassed him by, at a time like this, bringing up possible inadequacies in the CIA or FBI. He was embarrassed. His naivete embarrasses me, because here in the New York Times today it shows a lot of people who are members of the intelligence community, very much pro the CIA and the FBI in every way, who are embarrassed and want to see something done.

This is an article by Alison Mitchell: “The House committee that oversees the Nation’s intelligence agencies has called for far-reaching changes in intelligence operations and for an independent investigation into why government did not foresee or prevent the terrorist attacks on New York and Washington. Reflecting the mood since September 11, the House Permanent Select Committee on Intelligence, in a report accompanying a classified intelligence bill expected to be taken up by the House this week, says it is a matter of urgency ‘like no other time in our Nation’s history’ to address the many critical problems facing the intelligence agencies.”

Now, these are people who are friends and protectors of our intelligence agencies talking. This is the committee of responsibility, the House Permanent Select Committee on Intelligence.

“The bill approved by the committee late last week would create an independent 10-member commission to study ‘preparedness and performance’ of several Federal agencies during and after the September 11, it would also increase the roughly $30 billion intelligence budget, but the exact dollar sums the bill contains are classified.

There are always increases; $30 billion is not enough, even though that was roughly the amount we had during the Cold War when we had the evil empire of the Soviet Union to battle. But $30 billion is not enough; we need more.

“The committee calls for a cultural revolution inside agencies like the Central Intelligence Agency and the Federal Bureau of Investigation, and a thorough review of the Nation’s national security structures.”

The House committee itself responsible for this. In the past they have been rather soft on the CIA. The man who heads the Permanent Select Committee on Intelligence is the gentleman from Florida (Mr. Goss). He is the guy who heads the CIA among other things.

In a later paragraph in the same article, we run into the problem. In a later paragraph in the same article, we run into the problem: “‘The House committee chose its words carefully. In the report that accompanies its bill, the committee says it does not in any way lay blame to the dedicated men and women of the U.S. intelligence community for the success of these attacks.’"
“If blame must be assigned, the blame lies with a government as a whole that did not fully understand or wanted to appreciate the significance of the new threats to our national security despite the warnings offered by the intelligence community.”

How is a turn of logic in terms of, no, the agency that is directly responsible is really not responsible? It is the government as a whole. Well, we are right back to me. I am part of the government. We are all to blame. We are not going to accept the blame by ourselves. We and the CIA and the FBI, the staff, the policy-making structure, we are all to blame. Do not say that the wonderful dedicated men and women of the U.S. intelligence community cannot be blamed.

When we talk about reform of welfare programs, any mother who deliberately got more food stamps than she should have put her in jail. We call for maximum responsibility. So why are we running away from maximum responsibility and maximum accountability for people who are in such a critical situation?

I will not read the entire article but I do want to complete just a few other choice paragraphs. “The commission would be appointed by the President and congressional leaders; and the commission would examine the performance of several Federal agencies responsible for public safety, law enforcement, national security, and intelligence gathering. It would have subpoena powers and would report back in six months of its formation.”

I think it is important to note that our previous speaker who laid a blustering attack against the INS, the INS which brought all of these immigrants in and is not doing a good job to keep people out, he holds them responsible, in and is not doing a good job to keep our previous speaker who laid a blizzard attack against the INS, the INS which brought all of these immigrants in and is not doing a good job to keep people out, he holds them responsible, in and is not doing a good job to keep them in.

Mr. Speaker, I want to go back and tell my constituents that we have a 30 billion agency that cannot find and hire linguists and analysts, and that documents which might have uncovered this plot have been sitting there all this time, and we do not want to blame anybody. The brave men of the CIA should not be blamed for allowing a situation like this to take place?

“The committee recommended that intelligence agencies offer bonuses for language proficiency. They are considering creating their own language schools.”

We do not to create language schools. There are languages schools out west. The military uses them. They can train anybody in any language. We need to have decision-making at the top that it is important for people to learn certain languages and to send them out there so you will not have a gaping hole in the operations of this magnitude.

“The committee also said that the Nation needed to increase its frontline, clandestine case officers language proficiency. It said a fresh look should be taken at retraining the CIA.”

Where does education come into all of this? I started by saying I wanted to talk about education. They should have no problem finding the people they need in this great Nation. But I know one of problems they encounter if they find somebody who speaks the language, they have to go through a series of background checks, etc. They find somebody who speaks the language, they may not write English well enough or they may not use computers well enough. They may not be appropriately educated.

We do not have a pool of educated people to draw from for those kind of jobs. We are headed toward a great calamity in the United States of America. Lack of educated people, people with college educations who could work for the pool from which you draw all the professionals you need. There is a teacher shortage of great magnitude. There is a law enforcement shortage. Law enforcement agencies are having trouble recruiting people. There is a shortage in the military in terms of people who are educated enough to operate very sophisticated high tech weaponry. Everywhere there is a shortage of people who are properly educated. So we are back to education. We do not need at this point to say that we have a major crisis created by September 11. And therefore, we should ignore the education bill that is being considered by the Senate and the House at that point.

In New York City, there is a rush to cut the education budget. First thing they want to cut is because we have less problems.

Our law enforcement agencies, our CIA and the FBI, need people to draw from, from diversified backgrounds. We cannot penetrate certain groups unless we have somebody who looks and acts and has the background and culture of that same group, but America is rich because of immigration. The immigration that has been criticized before has given us practically every religion, every ethnic group, every language in the world. We have to open our institutions to a process that allows these people in.

The CIA was sued by women and minorities. The FBI was sued by Hispanics and African-Americans. In the last 5 years, there have been suits brought against them for their discrimination. We are back to my third subject now, reparations.

The World Conference on Racism and how racism is a problem that keeps us from maximizing our resources, our human resources on our maximizing in this country because they have layers of racism, and racism is worse in the law enforcement community than in any other sector of our society, whether we are talking about local law enforcement, state troopers or the Federal level. Racism is a major problem. We have to confront this and stop carrying the baggage of racism. We have to force the intelligence community to stop being so incestuous, incestuous, and open up so that they have the tools that are needed, the human resources.

Our electronic surveillance systems are magnificent. It can pinpoint people, objects, anywhere in the world, but this incident, this tragedy shows that
we have to get down on the ground, and we have to have human beings face-to-face, whether they are agents or assets or people back in the office, analysts, good librarians.

I am a librarian. What they needed in many of the libraries, to organize the information, librarians who also could speak the language, who would help them recruit people who speak the language. Arrangements could have been made to set up a first class translation system if the decision-makers on the top had considered it important.

So one of the questions I asked, which embarrassed one of my colleagues, the CIA and the FBI, do they have decision-makers who understand the cultures of our enemies? Is there anybody in the high place in the CIA or the FBI who understands the culture of Islam? Or who have a pool of people relating to them that they can rely on to give them up-to-date firsthand ongoing intelligence about what is happening? Simple questions. I do not think in any way endanger national security by asking the questions, and I said to myself, well, I may not push anybody to answer it because that might endanger national security, but now, since our papers and talking heads and everybody is asking the same question, why do we not have people who understand the cultures, people who speak the language? We are asking the obvious questions.

Education would give us a pool of people who are in a position to be trained to take these positions. We cannot ever eliminate racism, but if we had less racism we could develop those diverse groups. Whether it is people who speak Islamic or different colors, whatever, if there was less racism we could make use of our great advantage of diversity which President Clinton so often talked about.

The difference on world racism which talked about reparations was hijacked by some selfish Arabs who forced the issue, twisted the issue and made it part of the conflict between Israel and Palestinians. So there was no real discussion of the ramifications of reparations, but reparations is something that we have to get off the table, an apology for slavery, something to get off the table. We ought to go on and do those things, apologize for slavery, just as the Japanese were asked to apologize, and Germans apologized to the Holocaust victims. There have been a lot of apologies to people who have been wronged.

Let us apologize for slavery. Let us talk about reparations we can sensibly way. It may mean just the creation of an education system which guarantees the descendents of slaves who were economically disadvantaged will always have the opportunity get the first class education, and by helping them get the first class education, we help to enlarge the pool of people we need.

There was a time when I heard frequently when I was younger in high school, I heard people say that the society only needs so many educated people, and therefore, if you educate too many people, there will be no jobs for educated people. I heard that at one of the colleges. I heard it as early as 10 years ago. People feeling that we have got enough people, but the needs have been mushrooming.

One of the characteristics of this very complex modern world of ours is that it needs so many more educated people. You cannot get educated people; you cannot get scholarships and fellowships at the college and university level if you do not have the raw material coming up from elementary and secondary schools.

Our problem in this country is not the opportunity for people who make it to college. There are all kinds of benefits, all kinds of opportunities for people who qualify to go to college. The problem is that there are too few among certain groups that are very important to society who are able to quality for entry into college.

So education, the kind of bill we are considering now, what President Bush chose to call leave no child behind becomes as vital as anything we are doing. The terrorism bill is not more important than the education bill. The stimulus bill that we are talking about, a package to help boost the economy at a time like this, it is not more important than the education bill.

In order for all of these things to work, we have got to have a continuing flow up from the pool of people with good education.

H. G. Wells said, and I often get the quote wrong, I am not sure I have it right, that "civilization is a race between education and chaos." I think I came close to what he said. "Civilization is a race between education and the lack of it." And it is even more true as our society becomes more complicated.

There are people who can wreck our computer systems and our whole cyber-networks, and we need people who are as smart as they are who are constantly able to have a counteraction and monitor these things. We need large numbers of young people with those kinds of minds. Large numbers. What happened at the World Trade Center showed how vulnerable an attack on a physical facility can be; but Y2K, which I understand, I do not know the details, but I understand we must give credit to the CIA and FBI for stopping some plots related to the sabotage of our whole computer system at the changing of the century. The Y2K problem that we were so concerned about.

Education is relevant today just as it was a few weeks ago. We have just completed a Congressional Black Caucus Annual Legislative Weekend where one of the issues of course, by giving more power to the country and we talk about certain issues and problems. I serve as the chairman of the Congressional Black Caucus Education Brain Trust. I am going to just read a statement that I made at the opening of our brain trust: "As we assemble on this historic legislative weekend, we must all resolve that no emergency situation or special event will be allowed to be of the priority we assign to the education emergency in the African American community. The nature of the critical problems that we presently face reemphasizes the need for America to have the most diverse and best educated population possible. In order to improve their operations and to achieve greater efficiency and excellence, every profession needs more and better educated recruits. Law enforcement and military agencies have a mushrooming need for personnel with information technology know-how. Unless we create and maintain a rapidly expanding pool of high quality students, the effectiveness of the military as well as intelligence operations will continue to be compromised.

"Our Nation's needs for digital expertise will increase for a long time in the future. Activities similar to the recent terrorist attack and other pressures on America will last into the next decade. Nation security is a complex endeavor and thus will need new resources. Advocates for education must focus intensely on current legislation at every level beginning with President Bush's 'Leave No Child Behind Act,' which is under consideration in Congress. America marshals its resources to fiercely fight new threats to our way of life, our greatest weapon remains our educated citizens. We shall overcome.'"

Our educated citizens are our greatest weapon. This bill is not just any other bill. President Bush has led the creation of landmark education legislation. The bipartisan effort that went into this legislation is unprecedented.

There are pieces that I do not like. I do not like the fact that the bill has a great deal of emphasis on testing. I do not like the fact that it calls for a testing program for students in grades 3 to 8 every year; that there must be a testing program and the results of those tests will be used to judge the effectiveness of the schools. If a school is not doing well, after 2 years it will be put into a probationary program. After 3 years they may choose to reorganize the school, wipe it out and start something new, or send the kids off somewhere else.

It has some real harsh measures. Three years is not long enough. We do not really pass judgment on most projects at 3 years. A school and the process and education is very complicated. In the conference, as a matter of fact, we are now trying to ameliorate some of the harshness. But basically that is a feature I do not like. I do like the fact the President proposed that we double title I funding. Title I funding in 5 years is supposed to go to $17.2 billion. That makes the bill worthwhile. We have some problems between the Senate and the House in
terms of overall funding authorization. I like the Senate figure of $32 billion versus the House figure of $23 billion. We can do so much more with the $32 billion in terms of meeting the education crisis that we face.

I propose to support efforts in this bill to double the funding for school renovation. Unfortunately, the House bill had zero dollars for school repairs, construction or renovation. The Senate bill had $200 million for charter school construction. But since the item of construction is included, it is fair game for discussion, and I am proposing that we accept the charter school construction.

But there is another construction item that we have in operation at this point, and that is a program that is under way, which most Members of Congress do not know about, and that is the program to repair and renovate schools with $1.2 billion that was included in the omnibus appropriations bill that is President Clinton signed it on December 21.

H.R. 4577 had a provision for $1.2 billion for school renovation and modernization. I am happy to report, and most people do not know about it so I am trying to talk about it because I want the children of America to celebrate with me, it is a hidden victory, but I am happy to report that the distribution of the $1.2 billion for school repairs and renovation is going forward. The amounts of money that each State will get.

New York will get $105 million. You can build a few schools with $105 million. California, of course the largest population, gets $338 million. On and on it goes. It is a small amount of money, $1.2 billion. because we need about $200 billion to rebuild our schools across America; but this was a breakthrough. We persisted. We said our institutions are not working properly. The Department of Education did not support school construction. We took our case straight to the President. And finally, in his last month, we got the President to approve $1.2 billion.

It is a good example of how citizen scrutiny, citizen push makes a difference. Just like the Mothers Against Drunk Driving, MADD, made a big difference with regard to policies on drunk driving. The Million Moms March started us on the road to more reform for public safety. We need a citizens group that is watching our law enforcement agencies at the national level. Citizens, ordinary people, should be asking questions about the way the CIA operates and the way the FBI operates. The fine-tuning of these vital institutions, the lubrication, the guarantee that the very best that we can get is occurring in these agencies is a life and death matter. It is a life and death matter.

Another item in the education bill is increased funding for IDEA, special education. The Senate has taken a position that we need to have the funding for special education as a mandatory expenditure off the budget, not competing with other budget priorities in education. I wholeheartedly support that. The Congressional Black Caucus wholeheartedly supports mandatory expenditure of IDEA; that the special education programs should be covered with mandates and not part of the regular budget.

We insist that the Federal Government pay for any costs of these new tests. I do not like the test, but if we have to have the tests from grades 3 to 8, the costs should be paid for by the Federal Government, which mandates them.

We support the inclusion of two very effective programs that we helped to create, Community Technology Centers and 21st Century Community Learning Centers, which have after-school components and Saturday workshop components and summer school components.

We support funding for Teaching Quality Grants. Troops to Teachers, which is a program which allows people in other careers to become teachers with a minimum amount of red tape. We support HBCUs. Historically Black Colleges and Universities should be involved in some form of participation in the school programs, teacher training, teacher orientation, so that there are more minority teachers brought into the education field.

We also support the funding of a special initiative by the information technology industry and the computer industry to assist in establishing functional technology programs in schools. During this period of slow activity within that industry, such goods and services should be provided at a discount rate. An authorization program of this nature, if we authorize it in the education package, it will be eligible for additional funding in the economic stimulus package. I think it would contribute greatly to closing of the digital divide to have those high-tech agencies in the computer industry, in the software industry, who have a lot of idle workers and who are going through a crisis, to have them at this point bring all of our educational institutions up to date at cut rates. Let them do it at very low rates as a contribution, but it also would give them work.

Returning to the Congressional Black Caucus weekend, on Saturday we had a special tech fair, and I talked about the digital divide: "Closing the digital divide, building schools first must be a continuing priority for all of us who welcome the new cyber-civilization and who are determined to rescue the communities and students that are being left behind. Partnerships to promote school construction and education technology are absolute necessities. Uniting labor unions and underserved schools and communities to gain repairs, wiring, and new schools is a kinship goal of education. Fostering private sector partnerships to assist in carrying the initiatives of the Federal Government forward to practical utilization is a high priority of the Congressional Black Caucus Foundation’s Annual Legislative Weekend."

“One of the boldest and most vital proposals of the Congressional Black Caucus during the 106th Congress involved national debate on education: funding for school construction. Time and time again, poll after poll, the American people have identified education as our number one priority. And during a recent debate on the floor of the U.S. House of Representatives, more than 70 Members of Congress endorsed the caucus’s alternative budget that called for a $10 billion increase over the President’s budget for school construction. In a period of unprecedented wealth and opportunity, the caucus believes that this amount should be taken from the $200 billion budget surplus."

“I believe an investment for the future should be our first priority. Maximizing opportunities for individual growth is at the core of maximizing the growth and expansion of the U.S. superpower economy. It is the age of information. It is a time of computer and digitalization. It is the era of thousands of high-level vacancies because there are not enough information technology workers. With enlightened budget decisions, we can, at this moment, begin the shaping of the contours of a new cyber-civilization. If we fail to seize this moment, to make investment in the Nation to surge forward in the creation of this new cyber-civilization, then our children and grandchildren will frown on us and lament the fact that we failed, not because we lacked fiscal resources, but because our very devastating blunder was due to a poverty of vision."

At our decision-makers lunch we had as a guest the honorable Dan Goldin, who is the administrator of NASA. Dan Goldin pointed out that at NASA we are facing a critical shortage. If that agency faces a critical shortage, imagine all of our other priority projects and industries where that must be so.

In conclusion, it may be that these three topics do not really relate, but I think that it is time that we put forth the energy to make it merge. We must merge them and understand the complexity of our society.

My message is our institutions are vital. But to keep them functioning properly, they must have the scrutiny, the American people at all times. They must be kept in good time, well tuned and well lubricated, to do the job they are set up to do.
H6258

CONGRESSIONAL RECORD — HOUSE
October 3, 2001

If they do not do that, it is a life and death matter, and we have just experienced an unfortunate matter where thousands of people died because we in the government could not keep our people safe from harm.

Mr. Speaker, we feel guilty about that, but the important thing is to look forward and make certain that it never happens again.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNINNIS) to revise and extend their remarks and include extraneous material:)

Mr. Brown of Ohio, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Mr. Davis of Illinois, for 5 minutes, today.
Mr. Sherman, for 5 minutes, today.
Ms. McKinney, for 5 minutes, today.
Mrs. Clayton, for 5 minutes, today.
Mr. Langevin, for 5 minutes, today.
Mrs. Maloney of New York, for 5 minutes, today.
Mr. Blumenauer, for 5 minutes, today.
Mr. Smith of Washington, for 5 minutes, today.
Mr. Foley, for 5 minutes, October 4.
Mr. Nussle, for 5 minutes, today.
Mr. Weldon of Florida, for 5 minutes, October 4.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were theretofore signed by the Speaker:

H.R. 1581. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the “Lee H. Hamilton Federal Building and United States Courthouse.”

H.R. 1860. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, October 4, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

4056. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department’s final rule—RUS Standard for Service Installations at Customer Access Locations—received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4057. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department’s final rule—Telecommunications System Construction and Specifications—received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4058. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department’s final rule—Scheduling of Controlled Substances; Placement of Dichloralphenazone Into Schedule IV—(DEA 209F) (RIN: 1117-AA39) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission’s final rule—List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (RIN: 3150-AG83) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4061. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4062. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severe Physically Disabled, transmitting the Committee’s final rule—Additions to and Deletions from the Procurement List—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4063. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4064. A letter from the House Liaison Department, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4065. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4066. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4067. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4068. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4069. A letter from the Special Assistant, White House Liaison Department, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4070. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department’s final rule—Listed Chemicals; Establishment of Non-Regulated Transactions in Anhydrous Hydrogen Hydroxide Chloride (DEA-156F) (RIN: 1117-AA48) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone; Milwaukee Home Run 2001 Hog Rally Fireworks, Milwaukee, WI (CGD-09-01-115) (RIN: 2115-AA79) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Nanticoke River, Sharptown, Maryland (CGD-09-01-055) (RIN: 2115-AA46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Wrightsville Channel, Wilmington Beach, North Carolina (CGD-05-01-054) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Milwaukee River, Milwaukee, WI (CGD-09-01-119) (RIN: 2115-AA46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Non-Regulated Transactions in Telephone Operating Regulations; Trail Creek, IN (CGD-09-01-003) (RIN: 2115-AA47) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Regulation; Atchafalaya River, LA (CGD-08-01-028) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations; Cheboygan River, MI (CGD-09-01-101) (RIN: 2115-AA46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations; Inner Harbor Navigation Canal, LA (CGD-08-01-030) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations; Duwamish Waterway and
October 3, 2001

CONGRESSIONAL RECORD — HOUSE H6259

Lake Washington Ship Canal, WA (CGD03-99–005) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas MD-11 Series Airplanes [Docket No. 2001-NM-145–AD; Amendment 39-12422; AD 96-24-02-R1] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas MD-80 Series Airplanes [Docket No. 2001-NM-45; AD; Amendment 39-12301; AD 2001-01-19] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -203, -311, -314, and -401 Series Airplanes [Docket No. 2000–NM-271–AD; Amendment 39-12214; AD 2001-01-19] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 99–NM-371–AD; Amendment 39-12414; AD 2001-01-19] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2001-NM-145–AD; Amendment 39-12422; AD 96-24-02-R1] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 and MD-10 Series Airplanes [Docket No. 2001-NM-45; AD; Amendment 39-12413; AD 2001-01-17] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model 717 Series Airplanes [Docket No. 2001–NM-47–AD; Amendment 39-12412; AD 2001-01-21] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes, No. KD-10A and KDC-10 (Military) Airplanes [Docket No. 2000–NM-69–AD; Amendment 39-12410; AD 2001-01-17] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Agusta S.P.A. Model A109E Helicopters [Docket No. 2001-SW-24–AD; Amendment 39-12407; AD 2001–17–16] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


4090. A letter from the Chief, Regulations and Administration Law, USCG, Department of Transportation, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Delaware River, Pea Patch Island to Delaware City, Delaware [CGD05–01–053] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Financial Assistance for the Use of Satellite Data for Studying Local Drawbridge Operating Regulations and Institutional and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Financial Assistance for the Use of Satellite Data for Studying Local Drawbridge Operating Regulations and Institutional and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Hampton River, Hampton, Virginia [CGD05–01–056] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4092. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department’s final rule—Duty to Assist [RIN: 2000–AK099] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans Affairs.

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:

H.R. 2423. A bill to reauthorize various fishery conservation management programs; with an amendment (Rept. 107–227). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 252. Resolution providing for consideration of the bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 107–228). Referred to the House Calendar.

H.R. 3006. A bill to require assurances that certain agriculture service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

Mr. SHUSTER, for himself, Mr. EHLENS, Mr. HAYES, Mr. BOSWELL, Mr. PETERSON of Minnesota, Mr. LAMASTUS, Mr. PETTER, Ms. KELLY, and Mr. DUNCAN:

H.R. 3007. A bill to provide economic relief to general aviation small business concerns that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Ms. DUNN, and Mr. ENGLISH):

H.R. 3008. A bill to reauthorize the trade adjustment assistance program under the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. THOMAS):

H.R. 3009. A bill to extend the Andean Trade Preference Act, to receive additional trade benefits under that Act, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3010. A bill to amend the Trade Act of 1974 to extend the Generalized System of Preferences until December 31, 2002; to the Committee on Ways and Means.

By Ms. VELAZQUEZ (for herself, Mr. DAVIS of Illinois, Mr. PASCHIEL, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. PHELPS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BAIRD, Mr. ROSS, Mr. CARSON of Oklahoma, Mr. ACEVEJO-VILA, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. ANDREWS, Mr. OWENS, Mr. WITKER, and Mr. MILLENDER-MCDONALD):

H.R. 3011. A bill to authorize the Administrator of the Small Business Administration to make loans to certain concerns that suffered economic and other injury as result of the terrorist attacks against the United States that occurred on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. BLUNT:

H.R. 3012. A bill to amend the Internal Revenue Code of 1986 to allow any employer
maintaining a defined benefit plan that is not a governmental plan to treat employee contributions as pretax employer contributions if picked up by the employer; to the Committee on Ways and Means.

By Ms. BROWN of Florida:
H.R. 3013. A bill to direct the Secretary of Transportation to take actions to improve security at points along the maritime borders of the United States; to the Committee on Transportation and Infrastructure; and, in addition, to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself, Mr. GRUCCI, Mr. TRAFICANT, Mr. FILNER, and Mrs. MORELLA):
H.R. 3017. A bill to amend the Public Health Services Act to require the Director of the National Institutes of Health to expand and intensify research regarding Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

By Ms. SOLIS (for herself, Mr. BORSKI, Mr. KUCINICH, Ms. LEE, Mr. CLEMENT, Mr. GOWEN, Mr. FILNER, Mr. OWENS, Ms. WATERS, Mr. NADLER, Ms. WATSON, Mr. OLVER, Mr. BISHOP, Mr. BROWN of Ohio, Mrs. CHRISTIENSEN, Mr. KLEIN, Mr. DAVIS of Illinois, Mr. SANDERS, and Mr. UDALL of Colorado):
H.R. 3015. A bill to amend the Internal Revenue Code of 1986 to provide a refund of up to $300 to individuals for payroll taxes paid in 2000; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself and Mr. DINGELL):
H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. McCARTHY of New York, Mrs. KELLY, and Mr. DOYLE):
H.R. 3017. A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CRANE):
H.J. Res. 68: A joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. OILMAN:
H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress that trained service dogs should be recognized for their service in the rescue and recovery efforts in the aftermath of the terrorist attacks on the United States on September 11, 2001; to the Committee on Government Reform.

By Mr. STUPAK:
H. Res. 233. A resolution recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.
national security threats, particularly terrorism. For purposes of the preceding sentence, the scope of the review shall include—

Page 13, line 8, strike “subsection (g)” and insert “subsection (f)”.

Page 13, line 11, strike “10” and insert “8”.

Page 13, line 13, strike “4” and insert “2”.

Page 13, after line 21, insert the following new paragraph and redesignate the succeeding paragraphs accordingly:

(2) Qualifications.—(A) A member of the Commission shall have substantial Federal experience with appropriate security clearance, law enforcement, intelligence, or military diction efforts.

(A) A member of the Commission may not be a full-time officer or employee of the United States.

Page 16, beginning on line 5, strike “hold hearings.”.

Page 16, beginning on line 8, strike “The Commission” and all that follows through the end of line 9.

Strike paragraph (6) of section 306(e) (page 12, line 1, through page 19, line 18), insert the following:

SEC. 307. IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM.

(a) COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES.

No funds authorized to be appropriated in this Act may be provided to a person or entity unless the person or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds authorized to be appropriated in this Act, it is the sense of Congress that recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

H.R. 2883

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 5: At the end of title III (page 19, after line 18), insert the following new section:

SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking “one-half” and inserting “100 percent”.

H.R. 2883

OFFERED BY: MR. WOLF

AMENDMENT No. 6: At the end of title III (page 19, after line 18) insert the following new section:

SEC. 407. IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence, in cooperation with the heads of the departments and agencies of the United States involved, shall implement the recommended changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States contained in the report submitted to the President and the Congress by the National Commission on Terrorism established in section 591 of Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681–210).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, if the Director of Central Intelligence determines that one or more of the recommended changes referred to in subsection (a) will not be implemented, the Director shall submit to Congress a report containing a detailed explanation of that determination.

H.R. 2883

OFFERED BY: MR. SIMMONS

AMENDMENT No. 3: At the end of title IV, page 21, after line 12, insert the following new section:

SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking “one-half” and inserting “100 percent”.

H.R. 2883

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 4: Page 19, line 15, strike the period and insert the following: “, and shall include a comprehensive assessment of security at the borders of the United States with respect to terrorist and narcotic interdiction efforts.”.

H.R. 2883

OFFERED BY: MR. LAHOOD

AMENDMENT No. 2: Page 12, beginning on line 1, strike section 306 (page 12, line 1, through page 19, line 18).
The Senate met at 10 a.m. and was called to order by the Honorable Jack Reed, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from Proverbs 2:2-6 on how to pray for wisdom: ‘Incline your ear to wisdom, and apply your heart to understanding; yes, if you cry out for discernment, and lift up your voice for understanding, if you seek her as silver, and search for her as for hidden treasures; then you will understand the fear of the Lord, and find the knowledge of God. For the Lord gives wisdom; from His mouth come understanding and knowledge.”

Let us pray:

Immortals, invisible, God only wise, in light inaccessible hid from our eyes, we confess our lack of wisdom to solve the problems of our Nation and world. The best of our education, experience, and erudition is not enough. We turn to You and ask for the gift of wisdom. You never tire of offering it; we desire it; and our times require it. We are stunned by the qualifications of receiving wisdom. Proverbs reminds us that the secret is creative fear of You. What does it mean to fear You? You have taught us that it is awe, wonder, and humble adoration. Our profound concern is that we might be satisfied with our surface analysis and be unresponsive to Your offer of wisdom. Lord, grant the Senators knowledge and understanding of Your wisdom so that they may speak Your words on their lips. When nothing less will do, You give wisdom to those who humbly ask for it. Thank You, God, Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jack Reed 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jack Reed, a Senator from the State of Rhode Island, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Reed thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The Acting President pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. Reid. Mr. President the Senate will resume consideration of the Vietnam Trade Act forthwith. We hope to complete that action early today, hopefully by noon—if not, early this afternoon. Then we are going to go to the Aviation Security Act. We hope to complete that late today or at the latest tomorrow.

I would like also to indicate that I spoke late last night with Senator Leahy. Everyone is always concerned about how the Judiciary Committee is moving along. They have been heavily involved in all kinds of problems due to the September 11 incident. But one thing the committee has been working on, literally night and day, is the antiterrorism legislation. But in addition to that I am happy to report the Judiciary Committee tomorrow will report out a circuit court judge from New York, a district court judge from Mississippi, up to 15 U.S. attorneys, one Assistant Attorney General, and the Director of the United States Marshals Service. That will be done tomorrow afternoon.

There will be a hearing also in the Judiciary Committee tomorrow. There will be a hearing on a circuit court judge from Louisiana, two district court judges from Oklahoma, a district court judge from Kentucky, a district court judge from Nebraska, and Jay Bybee to be Assistant Attorney General for the Office of Legal Counsel.

The following week there are going to be a number of hearings, including one on John Walters to be Director of the Office of National Drug Policy. There is going to be a hearing on the 16th on Tom Sansoneppi to be Assistant Attorney General for Natural Resources. Then there is going to be an additional hearing on the 18th of this month on a circuit court judge and five district court judges.

So Senator Leahy is to be commended for the work he is doing in conjunction with Senator Hatch and moving these nominations along. Senator Leahy has a tremendous load. On behalf of the majority leader, I extend appreciation from the entire Senate for the great work he has been doing.

VIETNAM TRADE ACT

The Acting President pro tempore. Under the previous order, the Senate will now resume consideration of H.J. Res. 51, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 51) approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The Acting President pro tempore. The Senator from Pennsylvania.
Mr. SPECTER. Mr. President, I just spoke to my colleague, the distinguished Senator from New Hampshire, the only other Senator on the floor, who is about to speak on the pending bill, and asked if I might have just a few minutes. So I ask unanimous consent to proceed as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's Record under “Morning Business.”)

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I rise to speak in opposition to the pending bill regarding normal trade relations with Vietnam.

It is significant for us to look at what is occurring on the Senate floor as compared to what happened on the House side. There are two issues involved. One is the numerous human rights violations committed by the government of Vietnam, and the second is the other issue—which is the issue binding—of whether or not we should have so-called normal, if you will, trade relations with the country of Vietnam.

I want to point out a few facts. Before I do that, I again point out that before the House passed normalization of trade with Vietnam, it passed H.R. 2833, dealing with human rights violations in Vietnam. I have a copy of the vote, which I ask unanimous consent to have printed in the Record.

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

ROLL 335—To Promote Freedom and Democracy in Vietnam

YEARS—410

Mr. SMITH. Mr. President, this is a vote of 410–1, which noted the human rights violations Vietnam has committed.

I ask my colleagues for the Record why we cannot have a similar vote in the Senate. If those who want to normalize relations with Vietnam choose to ignore the numerous human rights violations of that country, is that right? Where we had something that passed the House 410–1 and was sent over here, why can't we have a vote on that either before or after the vote on normalization of trade relations? I will tell you why. Because one Senator objects.

I want to point out to the majority side that at the appropriate time when someone from the majority is here on the floor, I am going to ask unanimous consent that we move to that legislation that I believe is the appropriate thing to do.

Let me proceed by saying I don't think it is a secret that I have been a long-time critic of the regime in Hanoi. I have visited there four or five times, if not more, as a Senator and as a Congressman. I think I know pretty well the situation there. A lot of the criticism that I brought up has focused pretty much on the POW-MIA issue in the sense that in spite of all the statements to the contrary by many, they have not provided full disclosure on our missing. I will get back to that.

First, I want to comment on the passage in the House of H.R. 2833, the Vietnam Human Rights Act, before they took up normal trade relations. The House did what the House did and pass the House, but they at least passed the provisions to the contrary by many, they have not provided full disclosure on our missing. I will get back to that.

First, I want to comment on the passage in the House of H.R. 2833, the Vietnam Human Rights Act, before they took up normal trade relations. The House did what the House did and pass the House, but they at least passed the provisions to the contrary by many, they have not provided full disclosure on our missing. I will get back to that.

I commend the House for its action. They did the right thing. I don't agree with their passing normal trade relations, but they at least passed the human rights violation notification so that we now know and the world now knows about these violations.

We should expect Vietnam to improve its record on human rights if we are trying to trade with them.

Why is that so unreasonable? We should make these demands on others. But when it comes to Vietnam, we have to ignore their horrible record of open human rights violations. It is abysmal. Our own State Department explains it in its “Country Report on Human Rights Practices.” We can't ignore these things.

My question is, Why doesn't the Senate do what the House did and pass the Vietnam Human Rights Act? It is here at this table. We could do it.

I have a letter from the U.S. Commission on International Religious Freedom requesting that the Senate pass...
H.R. 2833, the Vietnam Human Rights Act. I ask unanimous consent that the letter from the U.S. Commission on International Religious Freedom be printed in the RECORD.

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


CONGRESS SHOULD DEMAND RELIGIOUS-FREEDOM IMPROVEMENTS AS IT CONSIDERS VIETNAMESE TRADE AGREEMENT

The Senate will soon consider the Bilateral Trade Agreement (BTA) with Vietnam, approved by the Representatives last week. The agreement will extend Normal Trade Relations status to Vietnam, although this will remain subject to annual review. Given the very serious violations of religious freedom in that country, the Commission in May made a series of recommendations to the Bush Administration and Congress. Primary among these was that U.S. lawmakers should ratify the BTA only after Hanoi undertakes to improve protection of religious freedom.

The Vietnam Human Rights Act (H.R. 2833) passed the House last week implanting this and other Commission recommendations. Besides expressing U.S. concern about Vietnam’s religious freedom and human rights abuses, the Act authorizes temporary access to organizations promoting human rights in Vietnam and declares support for Radio Free Asia broadcasting. The Commission urges the Senate to act likewise.

The Commission believes that approval of the BTA without any U.S. action with regard to religious freedom would only delay and worsen the situation. The Vietnam government continues to suppress organized religious activities, to monitor and control religious communities. This repression is mirrored by the recent crackdown on important political dissidents. The government prohibits religious activity by those not affiliated with one of the six officially recognized religious organizations. Individuals have been detained, fined, imprisoned, and kept under close surveillance by security forces for engaging in “illegal” religious activities. In addition, the government uses the recognition process to monitor and control recognized religious groups, restricting the procurement and distribution of religious literature, controlling religious training, and interfering with the selection of religious leaders.

The Vietnamese government in March placed Fr. Thaddeus Nguyen Van Ly under administrative detention (i.e. house arrest) for “publicly slandering” the Vietnamese Communist Party and “distorting” the government’s policy on religion. This occurred after Fr. Ly submitted written testimony on religious freedom, the Vietnamese government’s policy on religion. This occurred after Fr. Ly submitted written testimony on religious freedom, the Vietnamese government’s policy on religion.

Given the very serious violations of religious freedom in the People’s Republic of China, I note that I yield to Senator BAUCUS to underline the serious nature of these violations and urge the Senate to do likewise. The House did it, and we are not doing it.

The Vietnam Human Rights Act which passed the House last week implements this and other Commission recommendations. The Commission urges the Senate to do likewise. However, we cannot do that because of the fact that someone is holding it up. That, to me, is unfortunate.

I am going to propose a unanimous consent request. At that time, I know my colleague from Montana and I will make the Senate aware of the status.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I can regain the floor after Senator Smith makes his remarks.

Mr. SMITH of New Hampshire. Mr. President, I yield to Senator Baucus, and I ask the Senator a question? I temporarily object.

The Acting President pro tempore. Objection is heard.

The Acting President pro tempore. Will the Senator from New Hampshire yield for a question?

Mr. SMITH of New Hampshire. Certainly.

Mr. BAUCUS. I think it is only proper that the Senator from New Hampshire regain the floor. I would like to ask him questions, but I am just like his counsel, if he again asks unanimous consent whether he will refrain from doing so until somebody is on the floor to object.

Mr. SMITH of New Hampshire. Absolutely.

Mr. BAUCUS. Mr. President, I do not object.

The Acting President pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. I thank my friend from New Hampshire. I deeply value his friendship. We have worked very closely together in lots of matters, particularly on the Environment and Public Works Committee. He is a man of tremendous integrity and is a very good Senator. I deeply value his efforts in the Senate.

Mr. President, I rise in support of the House Joint Resolution 51, which would approve the trade agreement between the United States and Vietnam. This agreement was signed last year, and it would extend normal trade relations status to Vietnam.

It is identical to Senate Joint Resolution 16. That was approved unanimously by the Finance Committee in July of this year.

Our trade agreement with Vietnam represents an important step in a healing process, a step that has been a long time in coming.

Let me just review the history a bit. After two decades of relative isolation from one another, our two countries began the process of normalizing ties and of healing in the mid-1990s.

In 1994, we lifted our embargo with Vietnam.

Then, in 1995, we normalized diplomatic relations, sending Pete Peterson to be our first Ambassador to Vietnam since the war. A true hero, Pete Peterson did a tremendous job, working with the Vietnamese to help locate missing American personnel, and to help facilitate the orderly departure from Vietnam of refugees and other immigrants.
In 1998, President Clinton waived the Jackson-Vanik prohibitions. This enabled Vietnam to obtain access to financial credit and guarantee programs sponsored by the U.S. Government.

Meanwhile, the Vietnamese Government has done its part. By all accounts, the Government has cooperated in efforts to fully account for missing American personnel. As former Ambassador Peterson reported in June 2000—"I am quoting his report now—"

Since 1995, 39 joint field activities have been undertaken in Vietnam. 283 possible American remains have been repatriated, and the remains of 135 formerly unaccounted-for American servicemen have been identified, including 25 since January 1999.

Continuing to quote Ambassador Peterson:

This would not have been possible without bilateral cooperation between the United States and Vietnam. Of the 196 Americans that were on the Last Known Alive list, fate has been determined for all but 41 . . .

Moreover, with respect to freedom of emigration—the underlying purpose of the Jackson-Vanik provisions—the President recently reported:

Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States . . . and only a small number of refugee applicants remain to be processed.

In light of this substantial progress in our relationship with Vietnam, the next logical step is to begin normalizing our commercial ties. The trade agreement concluded last year will do that.

That said, I and most of my colleagues have serious concerns about Vietnam’s human rights record. It is not good. The State Department’s most recent report describes the record as “poor.” It notes that “although there was some measurable improvement in a few areas, serious problems remain.” These include: arbitrary arrests and detentions, denials of fair and speedy trials to criminal defendants, significant restrictions on freedom of speech and the press, severe limitations on freedom of religion, denial of worker rights, and discrimination against ethnic minorities.

Making improvements in these and other areas ought to be a top priority of the Administration in our relationship with Vietnam. But establishing a normal commercial relationship with Vietnam does not hinder that goal. Indeed, it complements our human rights efforts.

As our experience in countries such as China demonstrates, engagement works. Engagement without illusions works. By interacting with countries commercially, we bring them into closer contact with our democratic values. We generate demand for those values.

The step we are taking with Vietnam is much more modest. Vietnam currently has a disfavored trade status, one in which exports to the United States are subject to prohibitive tariffs. This agreement moves Vietnam to a normal but probationary trade status. Under the Jackson-Vanik provisions of the Trade Act, the President and the Congress will still conduct annual reviews of Vietnam’s trade status. These reviews will be an additional source of leverage in seeking improvement of human rights in Vietnam.

I would like to turn now to the substance of the agreement and the benefits that we will gain from it.

At its core, the agreement will enable us to decrease tariffs on Vietnamese imports to tariff levels applied to imports from most other countries. Vietnam, in return, will apply to U.S. goods the same tariff rates it applies to other countries.

But this agreement goes well beyond a reciprocal lowering of tariffs. It requires Vietnam, among other things, to lower tariffs on over 250 categories of goods; to phase in import, export, and distribution rights for U.S.-owned companies; to adhere to intellectual property rights standards which, in some cases, exceed WTO standards; and to liberalize opportunities for U.S. companies to operate in key service sectors, including banking, insurance, and telecommunications.

This agreement should provide a sound foundation for a mutually beneficial and commercially significant relationship. It will build upon the increasingly stronger ties between the United States and Vietnam.

Indeed, I hope the efforts Vietnam makes to implement the agreement will put it well along the way to eventual membership in the WTO.

Make no mistake, there still will be a lot of work to be done, even after the agreement is approved. We will have to work with Vietnam to ensure that its obligations are papered onto actual practice. We will also have to monitor operation of the agreement very carefully. But I am confident that this agreement does get us off to a very good start. That is critical.

Peterson:

Mr. SMITH of New Hampshire. Mr. President, my colleague from Montana mentioned human rights violations. Yet in spite of the fact that the House voted H-1–1 to cite those violations, we cannot have a similar vote in the Senate today, either before or after voting on normal trade relations with Vietnam. That is my issue and my concern, and it is why I did request unanimous consent to proceed to that bill. It has been part of the life of me. I don’t know why we choose to ignore these violations. Everyone knows where the votes are on normal trade relations. I know my view does not carry in this Chamber. But I don’t understand why we can’t at least vote on the human rights violations.

We should not approve the U.S.-Vietnam trade agreement without at least addressing these human rights violations in Vietnam. I don’t understand why we can’t address them. What is the fear? That somehow we are going to antagonize the Vietnamese? I am going to be giving you some information very shortly that makes one wonder why we wouldn’t want to antagonize the Vietnamese. We will talk about the human rights violations.

Let me first ask, what does this human rights act do that we are not allowed to pass it in the Senate because somebody is holding it up with a secret hold? Well, it prevents the United States from providing nonhumanitarian assistance to the Government of Vietnam above 2001 levels unless the President certifies that the Government of Vietnam has made substantial
progress toward releasing political and religious prisoners it holds; secondly, that the Government of Vietnam has made substantial progress toward respecting the right to freedom of religion, which it does not; thirdly, that the Government of Vietnam has made substantial progress toward respecting human rights, which it does not do; and the Government of Vietnam is not involved in trafficking persons. They do that, too.

We are going to ignore all that. We are going to ignore that, and we can't possibly have a vote today to cite the Vietnamese for those human rights violations because somehow we are going to offend them.

We don't take that position against other nations that have human rights violations. The President has the ultimate waiver authority under this legislation. If the continuation of assistance is deemed in the national interest, if he thinks it is in the national interest, those issues can waive the certification process, if he believes it is necessary. It is no big deal. There is no harm done if the Senate would pass this resolution.

This resolution authorizes appropriations up to $10 billion to NGOs, nongovernment organizations, that promote human rights and nonviolent democratic change. It states: It is the policy of the U.S. Government to overcome the jamming of Radio Free Asia by the Viet Nam government. It authorizes $1 million over 2 years for that effort. It helps Vietnamese refugees settle in the United States, especially those who were prevented from doing so by actions of the Vietnamese, such as bribes and government interference. Yes, that goes on, too. We are going to ignore it, but it does go on.

It requires an annual report to Congress on the above-mentioned issues. As you can see, this is a very reasonable provision. It doesn't tie the hands of the President. It only involves nonhumanitarian aid. It only concerns increases in nonhumanitarian aid above the 2001 levels.

My personal belief is we should not approve normal trade relations with Vietnam. I know where the votes are. I know this legislation will pass.

I am particularly disgusted by a press report which contained an excerpt from the Vietnamese People's Army Daily commenting on the recent terrorist attacks. I want my colleagues to hear what the official organ of the Vietnamese Army thinks. And remember, they will profit handsomely from this trade agreement with the United States.

As I display the quote, I want to put everything in perspective. We had a terrorist attack, the worst ever in the history of America. This is what the Vietnamese official People's Army Daily said about it. In spite of that, we are not going to pass a resolution in the Senate to pass a resolution criticizing them for their human rights violations before we give them normal trade status.

I heard the President of the United States very clearly state and articulate over and over again, you are either with us or you are against us. It is not gray. It is either black or white. You are on our side in the fight against terrorism or you are not. Let's read what they said:

"...it's obvious that through this incident, Americans should take another look at themselves. If Americans had not pursued isolationism and underplayed terrorism and had not insisted on imposing their values on others in their own subjective manner, then perhaps the twin towers would still be standing together in the singing waves and breeze of the Atlantic.

That is what they said. But we are going to ignore all that. This is Vietnam. We now have to normalize trade relations with them, but we can't even criticize them on their human rights violations. I will withdraw any recorded vote on normal trade relations if we will just bring up by unanimous consent and vote on the human rights violations that the House passed 410–1.

Of what are we afraid? Why are we afraid? What do our colleagues like that comment? How do they like that? How do they think the 6,000 families feel about that comment? That is what they said.

If we think that is bad, it is not up there, let me give a few more comments. This was 2 days after the incident:

A visit to the city's institutes of higher learning on Thursday revealed an alarming level of excitement and happiness over the recent devastating terrorist attacks in the United States.

This was in the international news section of the Deutsche Presse. Here is what one person said on the streets of Hanoi:

"Many people here consider this act of terrorism an act of heroism, because they dared confront the almighty United States," said one postgraduate student at Hanoi University. "No one could have imagined, an 18-year-old class monitor Dang Quang Bao, said terrorism as much as it is not ideal.

"But this helped the U.S. open its eyes, because it has both power on the world through embargoes and intervening in the internal affairs of other nations.

"When people heard about the attack in America," he added, "many said it was legitimate."

Privately, thousands if not millions of Vietnamese admire America's economic power, military supremacy. . . . But Communist-ruled Vietnam, like many Third World nations, maintains a testy relationship with the United States.

"If Bush had died, I would be happier, because he's so warlike," said Tran Huy Hanh, a student at the Construction University who heads his class's chapter of the youth union.

"America deserves this, because of all the suffering it has caused humankind," said one freshman at National Economics University.

"But they should have attacked the headquarters of the CIA, because the CIA serves America's political plots," he said.

This Senate vote, even gives us a chance of condemning their human rights violations. We are not even asking you to condemn this. All we are asking you to do is condemn the human rights violations they are committing. What are we doing? What are we saying to the American people? It is unbelievable. I am stunned.

In the cafes and barber shops—not to mention the classrooms in Hanoi—people were expressing broad-based support at the U.S. reaped what it has sown. Listen to this one: "I feel sorry for the terrorists who were very brave because they risked their lives," said a motorbike guard, who did not wish to be named, "I am happy," gloated a 70-year-old Hanoi woman who said he was an army officer in wars against the French and Americans. "You see, America always boasts about its power, but what has happened proves America is not invincible."

"The United States is king of the jungle," said 25-year-old Phan Huy Son. "When the king is attacked, the other animals are happy."

This is what we got from Hanoi. Somebody will come and they will read the official little cable that came in. That is what it said "officially." But this is what the People's Army Daily said on September 13. It is outrageous in and of itself that they said it. But let me tell you something. We don't have further concern about the outrage by standing on the Senate floor and voting to normalize trade relations with them. That is bad enough. But even worse, we don't have the guts to bring up on the Senate floor and pass something that was supported 410–1.

Don't tell me one Senator has a hold. I know one Senator has a hold on it. Let's go to that Senator and say take the hold off and let us vote on it, whatever the vote is.

"The towers would still be standing together in the singing waves and breeze of the Atlantic" were it not for us imposing values on others. Does that sound like somebody who is for us? It sounds like somebody who is against us. It is an insult, an outrage. I didn't even hear Saddam Hussein say that. It is an outrage that that was said. It is a further outrage that we are compounding by refusing to even consider the human rights violations. I understand a resolution approving normal trade relations is going to pass. I know it will pass. But why can't we have a vote? Why can't we have a vote right now after this debate on the human rights act?

Mr. President, after showing this material and talking about it, I am going to again, since there is representation of the majority side on the floor, ask unanimous consent that following the vote on H.J. Res. 51, the extension of nondiscriminatory treatment with respect to the Government of the Socialist Republic of Vietnam, the Senate immediately proceed to and vote on final passage of H.R. 2833, the Vietnam Human Rights Act.

The ACTING PRESIDENT pro tempore.

Mr. BAUCUS. Mr. President, will the Senator yield for a question before I object?
Mr. SMITH of New Hampshire. Certainly.

Mr. BAUCUS. Has this resolution been referred to the Foreign Relations Committee?

Mr. SMITH of New Hampshire. The resolution is in the House 410-1. I don't know if it has been referred to the committee. I assume so.

Mr. BAUCUS. It has not. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The President pro tempore. The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. I thank the Senator from New Hampshire for his kind yielding of the floor because I have to go to a hearing at 11 o'clock before the Senate Finance Committee when we are going to talk about a stimulus package. So I thank the Senator.

I support the joint resolution approving the Vietnam Bilateral Trade Agreement. I commend Chairman BAUCUS for his leadership in helping to bring this historic agreement before the Senate today. I also think we ought to take time to thank Senators MCCAIN and KERRY for their strong support of the agreement. These two Senators just named are people who have been, for a long time, active in trying to work out trade relations between the United States and Vietnam. Many times before now, I have opposed them on votes. Many times in the past, I have supported the Senator from New Hampshire in some of his efforts. I served with him for a long period of time on the Select Committee on POW/MIA during the beginning of the last decade to work things out.

The reason I am for this trade agreement, as opposed to positions I have taken in the past, is because I think that trade—for business men and women—between the United States and another country can probably do more to protect property rights, market economic principles, and political freedom and political democracy, much more than we can as political leaders or diplomats working between two countries. I see a very beneficial impact over the long haul—not maybe the short haul—to changing a lot of things in Vietnam. The Senator from New Hampshire has raised issues about it, and legitimately so.

It is a fact that our Nation's healing process over Vietnam is not yet complete, nor may it ever be. But passage of this historic agreement, I believe, will aid us in the healing process. Approving the agreement will have other benefits as well. It will further strengthen our relations with both nations and benefit to our Nation as well because I look at international trade as not benefiting the country that we are having the agreement with but benefitting the United States. If it doesn't benefit us, there is no point in our doing it.

When you look at the purpose of our trade arrangements, they are obviously to help our consumers; but more importantly, they are to enhance entrepreneurship, expand our economy, and in the process, create jobs. If we don't create jobs, there is no point in our having the sort of trade arrangements that we have. We do create jobs when we have enhanced international trade. A lot of statistics show thousands and thousands of jobs are created with trade, and not only are jobs created, but jobs that pay 15 percent above the national average.

First, as far as this agreement is concerned, having consequences that are good, approval of the resolution will further strengthen our relations with Vietnam, a process that began under President George Bush in the early 1990s. President Clinton, putting our national interests first, diligently pursued the same policy started by the elder Bush.

President George W. Bush took another historic step on the road to better and more prosperous future by sending this Vietnam bilateral trade agreement to Congress for approval on July 8 of this year.

Second, approval of this resolution will enable workers and farmers to take advantage of a sweeping bilateral trade agreement with Vietnam.

This agreement covers virtually every aspect of trade with Vietnam, from trade in services to intellectual property rights and investment.

The agreement includes specific commitments by Vietnam to reduce tariffs on approximately 250 products, about four-fifths of which are agricultural goods, and U.S. investors, in addition, will have specific legal protections unavailable to those same investors today.

Government procurement will become more open and transparent. Vietnam will be required to adhere to a number of multilateral disciplines on customs procedures, import licensing, and sanitary and phytosanitary measures, which are so important to making sure that we do not have nontariff trade barriers in agricultural products.

There is no doubt that implementation of the United States-Vietnam bilateral trade agreement will open new markets for U.S. manufactured goods, services, and our farm products. It is a win for American workers, but it is also going to benefit the Vietnamese people.

Continued engagement through open trade will help the country prosper. Adherence to the rule of law, or rule-based trading system, will further establish the rule of law in Vietnam. It is truly a win-win for both nations.

Finally, it is my sincere hope that passage of this joint resolution will help pave the way for even greater trade accomplishments yet this year. One of the most important things we can do for our Nation before we adjourn is to pass what is now called trade promotion authority which gives the President of the United States authority to negotiate in the manner that we have negotiated down trade barriers and tariffs since 1947, originally under the General Agreements on Tariffs and Trades and now under the World Trade Organization regime.

Our President must have all the tools we can offer, particularly at this time of economic uncertainty which happened as a result of the terrorist attacks on September 11. In my mind, there would be no more important tool at this time of economic uncertainty than trade promotion authority.

Federal Reserve Chairman Alan Greenspan told the Finance Committee the other day that terror causes people to pull back; in other words, lose confidence, to not do normal economic activity, the normal spending and investment. That is what September 11 was all about. We see it in our economy today.

According to Chairman Greenspan, trade promotion authority is a vital tool encountering the tendency of people and nations to pull back; in other words, lower their confidence in their own economic activity which affects the world economy collectively. Most important, Alan Greenspan told us that Congress giving the President trade promotion authority will say to terrorists: You will not stop the global economic cooperation that has brought so much good and prosperity to the world just because of terrorist attacks that we have had in this country.

I think Chairman Greenspan has it absolutely right. Passing trade promotion authority would say to our President to help jump-start the world economy through trade. Passing trade promotion authority and launching a new round of WTO trade negotiations this November at the ministerial meeting in Cancun is a vital step in economic recovery and restoring the long-term economic growth that benefits workers and farmers everywhere.

As I conclude this comment on the Vietnam bilateral trade agreement, let me say, as important as it is, that is an important step toward finishing our trade agenda, so is the trade promotion authority for the President.
The Vietnam agreement then is just one step. Our trade agenda is not done. Let's do the right thing for the President and for the American people and follow Chairman Greenspan's advice. Let's work together to finish our trade agenda and pass trade promotion authority this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to speak in opposition to the resolution before us. First I commend the Senator from Iowa for his leadership on trade issues, his leadership on economic issues, and I certainly associate myself with his remarks regarding trade promotion authority and the need for the President to have that authority.

I also commend the Senator from New Hampshire for his remarks regarding the human rights situation in Vietnam. I agree. We should have the opportunity to vote on a resolution condemning the human rights record in Vietnam. It would only be appropriate to follow the precedent of the House in, while passing normal trade relations with Vietnam, also passing by an overwhelming resolution condemning the human rights record.

The Senator from Iowa mentioned that trade benefits us. It should benefit us, and that should be the standard by which we engage these kinds of agreement. An agreement: Will this agreement really do that?

He also mentions the fact that it should create jobs. Certainly trade, if it is fair and free trade, will create jobs.

The American consumer today is being purposefully confused, and our domestic farm-raised catfish industries are on the brink of bankruptcy in this country primarily due in large part to the massive exports from Vietnam of a product we would call basa fish. If this were any other product—if it were steel, for instance—it would be called dumping.

We have seen an incredible increase in the exports of basa fish to the United States and having it labeled within our country as being catfish. That blatant mislabeling is causing confusion among the American people and is absolutely destroying our domestic catfish industry.

The States of Arkansas, Mississippi, Alabama, Louisiana, produce 95 percent of the Nation's catfish. These catfish are grain-fed and farm-raised, and thrived in one of the poorest areas of our country, the Mississippi Delta, an area that has sometimes been referred to as the Appalachia of the nineties. It is an area that faces incredible economic challenges. Despite the strong work ethic, despite the strong spirit of the delta region, economic opportunities have been few and far between.

I ask my colleagues who are thinking about improving the economy of Vietnam, let's first think about what, with our current trade practice, we are doing to the aquaculture industry in the United States which has been one of the growing success stories in this deprived, poor region of our Nation.

At a time when fears of unemployment and the realities of an economic downturn in the wake of the September 11 attacks are weighing heavily on the minds of the American people, it is not acceptable—it should not be acceptable—to sit back and watch an important industry that employs thousands of Americans, thousands of my constituents in Arkansas, and see their industry crushed by inferior imports because of a glitch in our regulatory system.

Vietnamese basa is being confused by the American public as catfish due to labeling it as such. These Vietnamese basa are being imported at record levels. Let me explain.

In June of this year, 648,000 pounds were imported into the United States. For the past 7 months, imports have averaged 382,000 pounds per month. To put that in perspective, in all of 1997, there were only 500,000 pounds of Vietnamese basa imported. We are almost doing that every month now. It is predictable that nearly 20 million pounds could be imported this year. That is an incredible 4,000-percent increase in 4 years.

I want my colleagues to think about an industry in their State that could possibly be wiped out by surrogates that had increased at the level of 4,000 percent in a 4-year period of time under mislabeling, confusing regulations.

The Vietnamese penetration into this market in the last year alone has more than tripled. Market penetration has risen from 7 percent to 23 percent of the total market. Four years ago, the Vietnamese basa, wrongly labeled “catfish,” comprised less than 10 percent—to be exact, 7 percent—of the catfish market in the United States. Today it is 23 percent of the catfish market in the United States.

They have been able to achieve such a remarkable market penetration by using the label of “catfish” on the packaging while selling this different species of fish for $1.25 a pound cheaper. It is a different species and is $1.25 a pound cheaper. It is being sold as what is produced in the United States, true channel catfish.

For those who think this is the result of a competitive market, I offer a few facts. When the fish were labeled and marketed as Vietnamese basa or just plain basa, sales in this country were almost nonexistent. Some importers even tried to label basa as white groupers, believing that was going to lead to greater sales. Still no success.

However, by adding the name “catfish” to the label, these fish have seen skyrocket. The Food and Drug Administration issued an order on September 19 stating the correct labeling of Vietnamese basa be a high priority, the FDA is allowing these fish to retain the label of “catfish” in the title. I do not know whether it is by budget constraints or whether it is a lack of personnel at the FDA, but it is obvious that inspections have been lacking in the past and the inclusion of the term of “catfish” in the title serves to promote that confusion.

This illustration shows how Vietnamese companies and rogue U.S. importers are trying to confuse the American people. Names such as “cajon light,” “delta fresh,” and “farm select” lead consumers to believe the product is something that it is not.

In fact, the brand “delta fresh” is one of the most misleading because it implies in the very title “delta fresh catfish” that it is being grown in the delta of the Mississippi, in Arkansas and Mississippi.

The reality is, it is fish from the Mekong Delta in Vietnam, which has unhealthy, environmentally unsafe conditions, being sold to the American consumer as channel-grown, farm-grown catfish.

The total impact of the catfish industry on the U.S. economy is estimated to exceed $4 billion annually. Approximately 12,000 people are employed by this industry. I have been told by the catfish association that as many as 25 percent of the catfish farmers in Arkansas will be forced out of business if this problem is not corrected soon.

Now let me remind my colleagues, this is the poorest region of the United States. It is poorer than what the Appalachian region was when we went in with massive federal support. Yet, that region, which had very few bright spots in its economy in the last decade, has seen aquaculture as perhaps being the salvation of the economy in the delta of Arkansas. Twenty-five percent of these catfish farmers could be gone in the next year if we do not correct this problem.

Catfish farmers in this country have invested millions of dollars educating the American public about the nutritional attributes of catfish. Through their efforts, American consumers have an expectation of what a catfish is and how it is raised. They have an expectation that what they purchase is indeed a catfish and that it has been raised under strict health and environmental regulations.

All of the investment that the American catfish industry has made in order to educate the American people is being kidnapped by Vietnamese basa growers and rogue importers who are bringing this product in and pretending that it is that same product, and it is not.
This next poster shows an official list of both scientific names and market common names from the Food and Drug Administration. Almost all of these fish can contain the word “catfish” in their names under current FDA rules. We can see all of the very scientific yet all of these various scientific names are allowed to use “catfish” in their market or common names creating incredible confusion among the consuming public, understandably.

When people look, they see the word “catfish,” and they do not pay any attention to the rest of that package labeling. When the average Arkansan hears the word “catfish,” the idea of a typical channel catfish is what comes to mind. When they sit down at a restaurant and order a plate of fried catfish, that same channel catfish is what they expect to be eating.

The channel catfish, as we can see, there is a whole list of other varieties that are now being allowed to usurp that name.

One cannot blame the restaurateur who is offered “catfish for a dollar less a pound” for buying it. It is basa. It is not catfish. However, in many cases they tell me that what they are really buying is not American-grown channel catfish but Vietnamese basa, that it is not subject to health and safety standards, not grown in clean ponds, not fed as American catfish are fed.

The third poster shows the relationship between these fish, and you will notice they are in different families and—only in the same order but totally separate families. The FDA claims since the fish are the same order, they can have the word “catfish” in their market or common name, even though they are not in the same family, they are not in the same genus, and they are not in the same species. By this standard, U.S. catfish and cattle could be labeled the same.

In addition, it is important to note the conditions in which these fish are raised. U.S. catfish producers raise catfish in pristine ponds that are closely monitored. These ponds are carefully aerated and the fish are fed granulated pellets consisting of grains composed of soybean, corn, and cotton seed, all in strict compliance with Federal, State, and local health and safety laws.

Where we are asking those catfish growers to compete with is Vietnamese basa which now comprises almost a quarter of the domestic market. These other species, basa, are raised in cages in the Mekong Delta, one of the most polluted waterways in the world. It has been reported that these fish are exposed to many unhealthy elements, including raw sewage.

I say to my colleagues, they would not allow the United States Food and Drug Administration to permit medicine in such unhealthy, environmentally unsafe conditions. Yet we are allowing the American consuming public to eat basa labeled as catfish, grown in unhealthy environments, and not know the reality of what they are getting.

It is obvious the use of the label “catfish” is being used to mislead consumers and is unfairly harming our domestic industry. I think it is odd we continue to allow more than 50 percent of the open trade policies to provide other nations access to our markets when we continually fail to enforce meaningful fairness provisions.

As we sit on the brink of allowing another trade bill to pass this Congress, I want to reiterate a phrase that I have heard over and over: Free trade only works if it is fair trade.

This is not fair. Our regulatory agencies must recognize their responsibilities and act on them. I realize this trade bill is not the answer to this problem. I understand this is a labeling issue, a regulatory issue, but I could not allow us to pass a trade bill that is going to benefit Vietnam at a time when there are so lax in our regulatory environment we are allowing a domestic industry to be gutted while we approve trade relations with a country that is destroying this domestic industry.

I urge all of my colleagues to support me and the congressional delegations of Arkansas, Mississippi, Louisiana, and Alabama as we move forward in trying to resolve this pressing issue, be it through regulatory changes or be it through legislation, and thank my colleagues for their willingness to allow me to make my case on this important issue.

Yield the floor.

The PRESIDING OFFICER (Mr. Nelson of Nebraska). The Senator from Nevada.

Mr. REID. I ask unanimous consent that the time until 2 p.m. today be equally divided as provided under the statute governing consideration of H.J. Res. 51, and that at 2 p.m. today, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution, with rule 12, paragraph 4 being waived.

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

Mr. REID. It is the intention of the majority leader, after the vote—this is not in the form of a unanimous consent request but, in a sense, an advisory one—as it was announced early today, it is the majority leader’s intention to go to the airport security legislation immediately after that vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to support the resolution, but I want to urge the Senate to take up the issue of airport security. Senator Hollings, Senator McCain, and I have introduced legislation, together with other colleagues, that we believe is absolutely critical to the restoration of the confidence among the American people with respect to flying.

I have been on any number of flights, as have my colleagues. We have been flying since September 11 many times, many of us, but obviously the American people remain uncertain and they want the highest level of safety, not simply be told it is safe. The highest level of safety is going to come when we have the highest standards that are enforced by a strong regulatory agency with the kind of professional training and accountability that will do that. I hope this afternoon our colleagues will recognize the importance of this.

I met this morning with a person from a travel agency who does most of the reservations for the airlines. They went from selling 20,000 tickets a day to 2 in one day. Now they are back up around 10,000 or so, but 50 percent in a business with a margin of 1 percent is not sufficient. We clearly need to do everything possible in order to restore the confidence, and not just the confidence, but provide a level of security that Americans have a right to expect—not just tomorrow, not just for a few months, not as a matter of convenience but building in the mind of what happened, but for all of time out in the future. We can do that, and we need to do it rapidly.

I listened carefully to the Senator from Arkansas, and indeed he negated his entire argument at the end by saying: I recognize this is regulatory. In point of fact, what he is complaining about has nothing to do with the resolution we are passing today because all you have to do is label the fish differently. You can put “Arkansas grown” you can say “American grown” you can label any other kind of fish any way you want. If people are concerned about it, then, by gosh, they ought to turn to the FDA.

This trade agreement with Vietnam benefits both countries. Vietnam gets lower tariffs on its goods entering the United States, but Vietnamese tariffs on American goods will also be reduced. That will be a boon to the American exporter.

This agreement is another major step in the process of normalizing relations with Vietnam—a long, painstaking process which began with President Reagan, moved to President Bush, was continued by President Clinton, and now this administration supports it. This is an agreement the administration supports and with which they believe we should move forward.

None of us diminishes the importance of human rights, the importance of change in a country that remains authoritarian in its government. We object to that. I have said that many times. My hope in the long haul will be that we will celebrate one day the full measure of democracy in Vietnam through the rest of Asia. The question is, How do you get there? What is the best way to promote change? What is the best way to try to succeed in moving a road a road of measured cooperation that allows people to accomplish a whole series of goals that are important to us as a country?
I know Senator McCain and Senator Hagel join me. As former combat servicemen in Vietnam, both very strongly believe that this particular approach of engaging Vietnam is the way in which we will best continue the process of change that we have witnessed already signifies the country of Vietnam. We believe this trade agreement is another major step in the process of normalizing those relations and in moving forward in a way that benefits the United States as we do it.

The most recent and detailed agreement the United States has ever negotiated with a so-called Jackson-Vanik country. It focuses on four core areas: trade in goods, intellectual property rights, trade in services, and investment. But it also includes important chapters on business facilitation and transparency. It is a win-win for the United States and for Vietnam in the way in which it will engage Vietnam and bring it further along the road to transparency, accountability, and the adoption of business practices that are globally accepted and ultimately the changes that come through the natural process of that kind of engagement to, to a recognition of a different kind of value system and practice.

The Government of Vietnam has agreed to undertake a wide range of steps to open its markets to foreign trade and investment, including decreasing tariffs on key American goods, protecting non-tariff and tariff barriers on the import of agricultural and industrial goods; reducing barriers and opening its markets to United States services, particularly in the key sectors of banking and distribution, insurance and telecommunications; protecting intellectual property rights pursuant to international standards; increasing market access for American investments and eliminating investment-distorting policies; and adopting measures to protect American workers and farmers.

These commitments, some of which are phased in over a reasonable schedule of time in the next few years, will improve the climate for American investors and, most importantly, give American farmers, manufacturers, producers of software, music, and movies, and American service providers access to Vietnam's growing market.

Vietnam is a marketplace of six million people. The population of Vietnam is over the age of 65; 40 percent, maybe more, of the population of Vietnam is under the age of 30. If 40 percent of the country is under the age of 30, that means they were born at the end of the war and since the war, and their knowledge is of a very different world. It is important to remember that and to continue to bring Vietnam into the world community and into a different set of practices.

For Vietnam, this agreement provides access to the largest market in the world on normal trade relations status (NTR) at a time when economic growth in this country has slowed. Equally important, it signals that the United States is committed to expanded economic ties and further normalization of the bilateral relationship.

This agreement was signed over 1 year ago. The Bush Administration sent it to Congress June 8. The House of Representatives approved it by a voice vote on September 6—an indication of the strong bipartisan support that exists for it. We can now complete a major step in moving forward by approving it in the Senate.

In closing, on the subject of human rights, I believe we are making progress. Many of the American non-governmental organizations working in Vietnam and even some of our veterans groups—Vietnam Veterans of America and the VFW—support the notion that we should continue to move down the road in the way we have been with respect to the relationship and our related efforts to promote human rights. The need for accountability. We should never turn our backs on American values. But there are different tools. Sometimes the tools can be overly blunt and counterproductive, and sometimes the tools achieve their goals in ways that advance the interests of all parties concerned.

In my judgment, passing this trade agreement separately on its own, is the way to continue to advance the interests of the United States both in terms of human rights or our larger economic interests simultaneously. I urge my colleagues to adopt this resolution of approval.

Mr. Wyden. Mr. President, I will ask unanimous consent to speak in morning business when the Senator from Massachusetts concludes his remarks.

Mr. Kerry. Mr. President, I yield the floor and reserve the remainder of our time.

Mr. Wyden. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

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

(The remarks of Mr. Wyden are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. Sessions. Mr. President, I rise today to express my concerns with the United States-Vietnam Bilateral Trade Agreement and the problems that have been associated with Vietnamese fish that are displacing the American catfish industry.

Just two days after the September 11 terrorist attacks, the Socialist Republic of Vietnam, state-run media ran a story that stated,

It's obvious that through this incident, Americans should take another look at themselves. If Americans had not pursued isolationism and if they had not insisted on imposing their values on others in their own subjective manner, then perhaps the twin towers would still be standing together in the singing waves and breeze of the Atlantic.

I think that is indicative of the fact that the Vietnamese Government does not have a friendly view of the United States. We aren't imposing our views on people around the world. They are trying to impose their views on us. We have been attacked for it. I am offended by that. I think the American people ought to know that President Bush said these nations ought to choose whether they are for us or against us with regard to eliminating terrorism. I wasn't pleased with that comment from Vietnam.

I want to make the note that they are apparently attempting to move in some direction toward a market economy, which I celebrate. Although we had a long and bitter and difficult war with them, I certainly believe that we can move beyond that conflict and that we can work together in the future. But comments such as the one I just read are not a way to build bridges between our nations. A nation that considers itself responsible should not make a statement like that at the very same time they are asking for trade benefits with this country.

We know what this will amount to. It will amount to the fact that they will sell a lot more in the United States than they will buy from us.

That is the way it works on these trade agreements. I am sure we have that today with China. We find that for every one dollar China buys from us, the United States buys four dollars from them. But I want to talk about this specific issue. It is frustrating to me.

Since 1997, the import volume of frozen fish filets from Vietnam that are imported and sold as "catfish" has increased at incredibly high rates. The volume has risen from less than 500,000 pounds to over 7 million pounds per year in the previous three years.

The trend has continued as this year Vietnamese penetration into the U.S. catfish filet market alone has tripled in the last year from about 7 percent of the market to 23 percent.

The Vietnamese are selling their product in the U.S. for $1.25 less than U.S. processors. Because of this, the prices that U.S. processors pay U.S. catfish farmers has dropped, causing significant losses and threatening farmers, processors, supplying feed mills, employees and communities dependent on the industry.

U.S. catfish farm production, which occurs mainly in Alabama, Mississippi, Arkansas, and Louisiana, accounts for 66 percent of the pounds of fish sold generating nearly a quarter of total fish aquaculture, or fish farming, production.

That is a remarkable figure. Sixty-eight percent of the poundage of fish produced by aquaculture is catfish. The industry is supplied mainly in my State and others in the region.

The area where most of our catfish production comes from is an area of
the State in which I was raised. That is, indeed, the poorest area of Alabama. We have very few cash-producing sources of income in that area of the State. Much of it has been lost. But there has been a bright spot in catfish—production in production ponds, the scientific farming of the feed mills involved the processing of it. It produces quite a small spurt of positive economic growth in this very poor industry.

Seventy-five percent of the employees—I have been told—of these processing plants are single mothers. That is where many of them get their first job.

Catfish farming is a significant industry for many areas of our country. The problem is this: The fish that the Vietnamese are importing which are displacing U.S.-raised catfish are not catfish at all. They are basa fish, which are not even of the same family, genus, or species of North American channel catfish. They do not even look like North American channel catfish. These basa fish are being shipped into the United States and labeled as catfish. These labels claim that the frozen fish filets are Cajun catfish, implying they are from the Mississippi Delta or from Louisiana. They are really Mekong Delta in South Vietnam. As a result, American consumers believe they are purchasing and eating United States farm-raised catfish when they are, in fact, eating Vietnamese basa. Indeed, for some American people, who are not used to catfish, there has been an odd reluctance—I guess I can understand it—to eating catfish. The name of it makes them a bit uneasy. They wonder about eating catfish. But the American catfish industry has gradually, over a period of years, been able to wear down that image and show that catfish is one of the absolutely finest fish you can eat. It is a delight. And more and more people are eating it.

The American catfish industry has invested a long time in creating a market for which no market ever existed before. And now we have the Vietnamese shipping in a substantial amount—and it is continuing to grow at record levels—of what is not even catfish, and marketing it under the name of American catfish, a product that has been improved and has gained support throughout our country. So it is really a fraudulent deal.

Alabama basa fish are raised in conditions that are substantially different from the way that United States catfish are raised and processed. I remember, as a young person, the Ezel Catfish House on the Tombigbee River. The fish were caught out of the river and sold there. Really the Ezel family was key to the beginning of catfish popularity. But people felt better about pond-raised catfish because the water is cleaner and there is less likelihood there would be the pollutants that would be in the river. So when you buy American catfish in a restaurant, overwhelmingly, 99 percent is pond-raised catfish. It is clean and well managed, according to high American standards.

That is not true of Vietnamese basa fish. These fish come out of the Mekong River and the fish in Vietnam are grown in floating cages, under the fishermen’s homes, along the Mekong River. They are able to produce fish at a low cost because of cheap labor, loose environmental regulations, and other regulations. I understand that the fishermen in Vietnam are processing plants are paid one dollar a day. And unlike other imported fish, such as tilapia or orange roughy, these fish are imported as an intended substitute for American farm-raised catfish.

A group of Alabama catfish farmers visited Vietnam last November and toured a number of the basa farms and processing plants. They witnessed the use of chemicals that have been banned in the United States for over 20 years, the use of human and animal waste as feed, and temperatures in processing plants too warm to ensure the freshness of the fish being processed there. These fish, of questionable quality, are trying to inundate the American market, are imported as an intended substitute for American farm-raised catfish.

If the Vietnamese were raising North American channel catfish of good quality and importing them into the United States, that would be fair trade. But fair trade is not importing basa fish, labeling them as catfish, and passing them off to American consumers as a quality pond-raised and processed catfish.

But there are some things our Federal Government can do to enforce and clarify our existing laws. So I am pleased today to join with Senator Hutchinson and Senator Lincoln, and others, to introduce legislation that will eliminate the use of the word “catfish” with any species that are not North American catfish. This small step will help clarify FDA regulations and lessen consumer confusion.

In addition, the Food and Drug Administration, the Federal agency charged with protecting the safety of the American food supply, can begin inspecting more packages as they come into the United States to ensure that they are labeled in a legal manner. The FDA, the Customs Service, and the Justice Department, prior to shipments, can vigorously pursue criminal violations in this regard, if appropriate.

Currently, the FDA allows at least five violations before they will take any enforcement action beyond a letter of warning. If the company importing the mislabeled fish. That does not make good sense to me. The FDA allows an astounding number of violations before they do anything. So I encourage the FDA, the Customs Service, and the Justice Department to take every step they can in these matters.

I am disappointed there are no provisions in this trade agreement to address the problems of the catfish industry. While this trade agreement is not amendable—and I understand that—I want to take the opportunity while the Senate is considering this agreement to express my concerns for the way the Vietnamese fish industry is confusing the American market and the economic hardship in the United States and others.

For these reasons, I expect, Mr. President, to vote against this agreement.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say to my colleague, I certainly have respect for and appreciate his concern about a local industry, but I think, as I said to Senator Hutchinson, this is a matter of labeling, it is a matter of regulatory process. It is not a question of whether or not you improve the overall agreement. I also say to my colleague, I think, as I have said to you, the President, to vote against this agreement.

I would like to share with all my colleagues that the President of Vietnam, the next day after the terrorist attack, sent this message to the United States:

The government and people of Vietnam were shocked by the tragedy that happened on the morning of 11 September 2001. We would like to convey to the government and people of the United States, especially the victims’ families, our profound condolences.

Consistently, Vietnam protests against terrorist acts that bring deaths and sufferings to civilians.

This is the comment I received from the Foreign Minister:

Your Excellency Mr. Senator,

I was extremely shocked and deeply moved by the tragedy happening in the United States on the 11 September 2001 morning. I would like to extend to you, and through you to the families of the victims, my deepest condolences. I am confident that the U.S. Government and people will soon overcome this difficult moment. We strongly condemn the terrorist attack and are willing to work closely with the United States and other countries in the fight against terrorist acts.

This is a media report from the German press, Deutsche Presse. This is from Hanoi:

American businesspeople, aid workers, and embassy officials said Wednesday they have been overwhelmed with the amount of support and sympathy offered by Vietnamese authorities, such as the announcement by President Duc Luong, personal reactions by Vietnamese have been deep and heartfelt.

“There has been a real outpouring of sympathy,” said a spokesman for the Vietnamese Consulate in Ho Chi Minh city, the former Sai Gon. Bouquets of flowers were left at the
building’s entrance, while locals and expatriates lined up last week to sign a condolence book.

Similar acts were played out at the embassy in Hanoi where senior Vietnamese officials and contacts paid their respects.

There have been reports of some U.S. firms receiving grants from Vietnamese families for families of the victims in the United States.

So I really think we have to recognize that the transition for the military is obviously slower and far more complicated, as it is with the People’s Liberation Army in China, versus what the leadership is trying to do as they bring their own country along. I really think we need to take recognition of these facts.

The fact is, there is participation in religious activities in Vietnam that continues to grow. Churches are full. I have been to church in Vietnam. They are full on days of worship and days of remembrance. Is it more controlled than we would like it? Yes. Has it changed? Yes. Is it continuing to change? Yes.

I think we should also recognize that last year some 500 cases were adjudicated by labor courts. And there were 72 strikes last year, and more than 450 strikes in Vietnam since 1993. So even within this movement there has been an increasing empowerment of workers, and there has been change.

Are things in Vietnam as we would want them to be tomorrow? The answer is no. But have they made progress well beyond other countries with whom we trade? Yes, they have. Is their human rights record even better than the Chinese? Yes, it is. We need to take cognizance of these things.

Let me correct one statement of the Senator from New Hampshire. I am not alone in objecting to this particular attempt to try to bring the human rights bill to the floor in conjunction with action on the trade agreement. I am for having these human rights statements for the appropriate time. This is not the appropriate time. There are Senators on both sides of the aisle and a broad-based group of Senators who believe this is not the moment and the place for this particular separate piece of legislation. At some point in the future, we would be happy to consider it under the normal legislative process.

I respect the comments of the Senator, but I hope we will take notice of the official recognition that has come from Vietnam with respect to the terrorist attacks on the United States.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. KERRY. I will yield for a question. I need to move off the floor.

Mr. SESSIONS. I appreciate the hard work of the Senator. Having served his country with great distinction in Vietnam, he certainly has the honor and the authority to lead us in a new relationship with that country. I hope it will be able to believe that is one of the great characteristics of America, that we can move past conflicts. It is with some reluctance that I believe, because of this trade issue, that I ought to vote against it.

Mr. KERRY. I understand and respect that very much from the Senator, and I thank him for his generous comments. I also remind colleagues that we have an opportunity to continue to monitor, as we should, human rights in Vietnam or in any country. This is not permanent trade relations status. This is annual trade relations. What we are granting is normal trade relations status that must be reviewed annually as required by the Jackson-Vanik amendment. This annual review will allow us to continue to monitor Vietnam’s human rights performance.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. DORGAN. Madam President, we are now debating the trade agreement with Vietnam which not only provides normal trade relations status with that country but also includes with it a bilateral trade agreement that we have negotiated with Vietnam.

Normal trade relations, which used to be called most-favored-nation status because it had been changed, but relations we have with almost every country in the world. I believe there are only five countries with which we do not have normal trade relations. This bill bestows normal trade relations with respect to Vietnam but does it on a yearly basis so the Congress will review it year by year.

Vietnam is a Communist country; it has a Communist government. It has an economy that is moving toward a market-based economy. I, along with several of my colleagues, Senator DASCHLE, Senator LEAHY, John Glenn, and a couple others, visited Vietnam a few years ago. It was a fascinating visit to see the embryo of a market-based system.

I don’t think a market-based economy is at all in concert with a Communist government. But nonetheless, just as is the case in China, Vietnam is attempting to move toward a market-based economy under the aegis of a Communist government.

A market-based economy means having private property, being able to establish a storefront and sell goods. It means being behind the curtain for so long, to see these folks in Vietnam being able to open a shop or find a piece of space on a sidewalk somewhere and sell something. It was their piece of private enterprise. It was their approach to making a living in the private sector. So what we have is a country that has a Communist government but the emergence of a market economy.

It is interesting to watch. I have no idea how it will end up. But recognizing that things have changed in Vietnam in many ways, this country has proposed a trade agreement and normal trade relations with the country of Vietnam.

I am going to be supportive of that today. But I must say, once again, as I did about the free trade agreement with the country of Jordan, I don’t think this is a particularly good way to do trade agreements. This comes to us under an expedited set of procedures. It comes to us in a manner that prevents amendments.

Amendments are prohibited because of Jackson-Vanik provisions in the trade act of 1974. These provisions would apply to a trade agreement we had negotiated with a country having similar economic characteristics to Vietnam.

I want to say about this subject is something I have said before, but it bears repeating. And frankly, even if I didn’t, I would say it because I believe I need to say it when we talk about international trade.

I am going to support this trade agreement. I hope it helps our country. I hope it helps the country of Vietnam. I hope it helps our country in providing some stimulus to our economy. Vietnam is a very small country with whom we have a very small amount of international trade. But I hope the net effect of this is beneficial to this country.

Trade agreements ought to be mutually beneficial. I hope it helps Vietnam because I hope that Vietnam eventually can escape the yoke of Communism. Certainly one way to do that is to encourage the market system they are now beginning to see in their country.

I hope this trade agreement is mutually beneficial. I do not, however, believe that trade agreements, by and large, should be brought to the floor of the Senate under these circumstances.

I will vote for this agreement, but I want there to be no dispute about the question of so-called fast track procedures. Fast-track is a process by which trade agreements are negotiated and then brought to the floor of the Senate and the Senate is told: You may not offer amendments. No amendments will be in order to these trade agreements.

The reason I come to say this is because of recent statements made by our trade ambassador since the September 11 acts of terrorism in this country. He has indicated that, because of those events, it is all the more reason to provide trade promotion authority or so-called fast track, to the President in order to negotiate new trade agreements. I didn’t support giving that authority to President Clinton. I do not support giving that authority to this President. I will explain why.

First of all, the Constitution is quite clear about international trade. Article I, section 8 says:
The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

That is not equivocal. It doesn’t say the President shall have the power, or the trade ambassador shall have the power, but that Congress shall have the power. Only Congress shall have the power under the U.S. Constitution.

We have had experience with so-called fast track and international trade. Fast track has meant that succeeding administrations, Republican and Democrat, have gone off to foreign lands and negotiated trade agreements—agreements like the Free Trade Agreement with Canada, the North American Free Trade Agreement with Canada and Mexico, and the General Agreement on Tariffs and Trade. The list is fairly long. After negotiating trade agreements using fast track, the administrations would bring a product back to the Senate and say, here is a trade agreement we have negotiated with Canada, Mexico, and with other countries. We want you to consider it. Senate restrictions: you have no right under any condition or any set of circumstances to change it. So the Senate, with that set of handcuffs, considers a trade agreement with no ability to amend it, and then votes up or down, yes or no. It has approved these agreements. It has rubber-stamped them. I thought all of them were bad agreements. I will explain why in a moment. Nonetheless, they represent the agreements that have been approved by the Senate.

Let’s take a look at how good these agreements have been. This chart represents the ballooning trade deficit in our country. It is growing at an alarming rate. Last year, the merchandise trade deficit in America was $802 billion. That means that every single day, 7 days a week, almost $1.5 billion more is brought into this country in the form of U.S. imports than is sold outside this country in the form of U.S. exports.

Does that mean we owe somebody some money? We sure do. These deficits mean that we are in hock. We owe some money? We sure do. These deficits mean that we are in hock. We owe some money?

I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements, but they sure are not representing the interests of this country when they say to a country such as China, we will allow you to impose a tariff that is 10 times higher on U.S. automobiles going to China than on Chinese automobiles sold in the United States. That makes no sense.

My point is, our trade deficit with China has grown to well over $80 billion a year at this point—the merchandise trade deficit with China. Why? To protect the auto industry. Trade negotiators negotiated an agreement with China, and every year for as far as you can see we have had a huge and growing trade deficit with the country of Japan. It doesn’t make sense to continue doing that.

I can give you a lot of examples with respect to Japan. Beef is one good example. We send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks. Twelve years ago our average was 61,000 pounds of American beef going to Japan has a 38.5-percent tariff on it. So we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year we had 570,000 coming this way, and 1,700,000 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn’t want our cars in their country. They say: We are sorry, you must pay a 2.5 percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States.

I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements. Why? Try to buy a T-bone steak. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

I can give you a lot of examples with respect to Japan. Beef is one good example. We send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks. Twelve years ago our average was 61,000 pounds of American beef going to Japan has a 38.5-percent tariff on it. So we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year we had 570,000 coming this way, and 1,700,000 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn’t want our cars in their country. They say: We are sorry, you must pay a 2.5 percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States.

I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements. Why? Try to buy a T-bone steak. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year we had 570,000 coming this way, and 1,700,000 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn’t want our cars in their country. They say: We are sorry, you must pay a 2.5 percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States. I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements. Why? Try to buy a T-bone steak. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year we had 570,000 coming this way, and 1,700,000 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn’t want our cars in their country. They say: We are sorry, you must pay a 2.5 percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States.

I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements. Why? Try to buy a T-bone steak. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year we had 570,000 coming this way, and 1,700,000 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn’t want our cars in their country. They say: We are sorry, you must pay a 2.5 percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States. I don’t know for whom these folks were negotiating, or for whom they thought they were working, and I don’t know where they left their thinking caps when they signed these agreements. Why? Try to buy a T-bone steak. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

I can spend an hour talking about these issues with respect to China, Japan, Europe, Canada, and Mexico. I won’t do that, although I am tempted, I must say. My only point in coming to the floor when we talk about a trade agreement is to say this: There are those of us in the Senate that have had it right up to our chins with trade negotiators who seem to lose the minute they begin negotiating. Will Rogers once said, “The U.S. has never lost a war and never won a conference.” He surely must have been talking about our trade negotiators. I and a number of colleagues in this body will do everything we can to prevent the passage of fast-track trade authority. I felt that way about the previous administration, who asked for it; and I feel that way about this administration. We cannot any longer allow trade negotiators to go out and negotiate bad agreements that undercut this country’s economic strength and vitality. My message is I am going to vote for this trade agreement which establishes normal trade relations with the country of Vietnam. It is a small country with which we have a relatively small amount of bilateral trade.

I wish Vietnam well. I hope this trade agreement represents our mutual self-interest. I hope it is mutually beneficial to Vietnam and the United States, but I want there to be no misunderstanding about what this means in the context of the larger debate we will have later on the issue of fast-track trade authority. Fast-track trade authority has undermined the country’s economic strength, and I and a group of others in the Senate will do everything we can—everything we can—to stop those who want to run a fast-track authority bill.
through the Congress. Ambassador Zoellick said in light of the tragedies that occurred in this country, it is very important for the administration to have this fast-track authority. I disagree.

What we need is to provide a lift to the American economy. How do we do that? Lift is all about confidence. It is all about the American people having confidence in the future. It is very hard to have confidence in the future of this economy when American people understand that we have a trade deficit that is ballooning. It is a lodestone on the American economy that must be addressed, and the sooner the better.

I have lost to say I am a trade. I will not burden the Senate with it further today, only to say this: Those who wish to talk about this economy and the events of September 11 in the context of granting fast-track trade authority to this administration will find a very aggressive and willing opponent, at least at this desk in the Senate. Having visited with a number of my colleagues, I will not be standing alone. We intend in every way to prevent fast-track trade authority.

Incidentally, one can negotiate all kinds of trade agreements without fast-track authority. One does not need fast-track trade authority to negotiate a trade agreement. The previous administration negotiated and completed several hundred trade agreements without fast-track authority.

Giving fast-track authority to trade negotiators is essentially putting handcuffs on every Senator. With fast-track, it is not our business with respect to details in negotiated trade agreements, it is only our business to vote yes or no. We have no right to suggest changes. Had we had that right with the U.S.-Canada agreement and the NAFTA and the WPTA, I guaranteed the grain trade and other trade problems we have had with both countries would be a whole lot different.

I have gone longer than I intend to today.

Again, because we are talking about Vietnam, I wish Vietnam well, and I wish our country well. I want this to be a mutually beneficial trade agreement. With respect to future trade agreements and fast track, I will not be in the Chamber of the Senate approving those who would handcuff the Senate in giving their opinion and offering their advice on trade, only because the U.S. Constitution is not equivocal. The U.S. Constitution says in article I, section 8: The Congress shall have the power to regulate commerce with foreign nations.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mrs. LINCOLN. Madam President, I yield time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska, Mr. HAGEL. I thank the Chair.

Madam President, I appreciate very much the time of my friend and colleague from Arkansas. I rise this afternoon to speak in support of the Vietnam bilateral trade agreement, and I support this agreement with much enthusiasm.

It was 2 years ago in August that my brother Tom and I returned to Vietnam after 31 years. I left Vietnam in December of 1968 as a U.S. Army infantryman. My brother Tom left 1 month after I did in January 1969. We went to Hanoi, Saigon, which is now Ho Chi Minh City, and then to Saigon City. We went to areas where we had served together as infantry squad leaders with the 9th Infantry Division.

We observed during that time 2 years ago was heartbreaking rather remarkable. Each of us had no preconditions put upon our return trip as to what we might see or hear. We were there at the invitation of Ambassador Peterson to cut the ribbon to open our new consulate in Ho Chi Minh City.

What we discovered was an industrialized, industrialized nation. We saw a nation of over 70 million people, the great majority of those people born after 1975. That is when the United States quite unceremoniously left Vietnam.

The reason that is important is because that is a generation that was born after the war that harbors no ill will toward the United States. That is a developing generation of leadership that is completely different from the Communist totalitarian leadership that has presided in Vietnam.

I believe I am clear eyed in this business of foreign relations and who represents America and who does not. This business is imperfect, this business is imperfect, this business being foreign relations. Trade is very much a part of foreign relations.

What is that? Because it is part of our relations with another nation. It is part of our role in a region of the world that strategically, geopolitically, and economically is important to us. Trade is part of foreign relations because it is a dynamic that promotes stability and security, and when nations are stable, when there is security, when there is an organized effort to improve economies, open up a society, develop into a democracy. That is not always easy.

It was not easy for this country. I remind us all that 80 years ago the President of the Senate today could not vote in this country. We could not, we could not, and who does not. This business is imperfect, this business being foreign relations. Trade is very much a part of foreign relations.

I say these things because I think they are important as we debate this Vietnam trade agreement because they are connected to the bigger issues we are facing in the country.

I do not stand in this Chamber and say it because of this great challenge we face today and we will face tomorrow and we will face years into the horizon. I say it because it is good for this country. That part of the world, Southeast Asia, where China is on the north of Vietnam and at the tip of Southeast Asia, is in great conflict today.

Indonesia needs the kind of stability and trade relationships that we can help build. It is in the interest of our country, our future, and the world. Just as this body did last week when we passed the Jordanian bilateral trade agreement, so should this body pass the Vietnam bilateral trade agreement.

I hope after we have completed that act today, we will soon move to the next level of trade, which is the largest, most comprehensive, and probably most important, and that is to once again give the President of the United States trade promotion authority. It has been known as fast-track authority.

Every President in this country, in the history of our country since 1974, has been granted that authority. Why is that? In 1974, a Republican President was granted that fast-track authority to negotiate trade agreements and work with the Congress to develop an international coalition to take on and defeat global terrorism? No.

Should we be clear eyed in our trade relationships, evaluate them, pass them, and implement them on the basis of what is good for our country? Yes.

If a trade agreement is good for our country, should it be good for the other country? Yes.

Will this trade agreement be good for Vietnam? Yes.

Why is that good for us? It is good for us, first of all, because it breaks down trade barriers and allows our goods and services an opportunity to compete in this new market called Vietnam. Will it be enlightening, dynamic, and change overnight, and I will therefore see much Nebraska beef and wheat move right into Vietnam within 12 months? No, of course not. That is not how the world works.

Trade agreements into which this country has entered, as flawed, imperfect, and imprecise as they are—and they all are—what is the alternative? Whom do we isolate when we do not trade? How do we further stability in a region of the world? How do we further our interests of peace and stability and prosperity in the world? Let us not forget that the breeding grounds for terrorism is always in the nations with no hope, always in the nations that have been bogged down in the dark abyss of poverty and hunger. That discontent, that conflict, is where the evil begins.

I say these things because I think they are important as we debate this Vietnam trade agreement because they are connected to the bigger issues we are facing in the country.
bring them back before the Congress, by a Democratic Congress, which was clearly in the best interest of this country, and it still is.

Unfortunately, since 1994 the President of the United States, including the last President, President Clinton, and the President, President Bush has been without trade promotion authority. What has that meant to our country? It has meant something very simple and clear. That is, the President does not have the authority to enter into trade agreements and bring them back to the Congress for an up-or-down vote.

What does that mean in real terms as far as jobs are concerned and for the people in New York, Arkansas, and Nebraska, all the States represented in this great Chamber? It means less opportunity, fewer good jobs, better paying jobs, more opportunities to sell goods and services.

So I hope we continue to build momentum behind that trade route and on the trade agenda, somewhat magnified by the events of September 11, we will get to a trade agenda soon in this body that once again allows this body to debate trade promotion authority for the President of the United States and will grant the President that authority we have granted Presidents on a bipartisan basis since 1974.

That is the other perspective, it seems to me, that we need to reflect on as we look at this debate today.

In these historic, critical times, I close by saying I hope my colleagues take a very clear, close look at this issue and attach all the different dynamics that are attached to this particular trade bill, and therefore urge my colleagues to vote for the Vietnam bilateral trade agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. LINDSEY. I yield myself such time as I may consume.

Madam President, I associate myself with some of the words from our Senator from Nebraska, very well founded in his conclusion that terrorism is bred in countries with no hope, and absolutely that is something that is very pertinent today as we talk about the engagement of our Nation in a trade agreement with Vietnam.

The grasp of the evil we saw in New York has the hatred we saw that was exhibited there, truly came from those who had no hope, from a country that produced those individuals who had no hope. Without a doubt, we are here today to talk about engaging nations in a way where we can help in working with them, building a friendship and a working relationship which in turn gives us the ability to share some of the hopes we have in our great Nation with other nations which then can grow those hopes in a way where we can be good neighbors and we can share with one another.

As a young woman growing up in a very small rural community in east Arkansas, I learned many great lessons from my father as the daughter of a farmer. But there was no greater lesson really to have learned than that my father impressed upon me how important it was to reach beyond the fenceposts of Phillips County, AR, to be engaged on both sides of the great river of the Mississippi, to work with individuals in Tennessee and Mississippi, but also to reach across even greater barriers into other countries, recognizing that the importance of what happens in Arkansas and the growth of the economy were inherently dependent on the bridges we built with other nations across the globe.

That is what we are talking about today, looking at options for not only free trade but, more importantly, fair trade, to establish those relationships and those working agreements with nations where we not only can build hope but we can also build a greater opportunity for economic development in our home as well as in these countries.

I also rise today to add some of my concerns about a very important issue a few of my colleagues have already addressed in this Chamber, but as I am talking about is catfish.

Aquaculture in our Nation has been a growing industry. This country is being deluged by imports of Vietnamese fish known as a basa fish which are brought into the United States misleadingly sold as catfish to our consumers who think they are buying farm-raised catfish.

Let us remember this important point: When consumers think of catfish, when we all think of catfish, we have in mind a very specific fish we have all known. But that is not what the Vietnamese are selling. They are selling an entirely different fish and calling it a catfish. This Vietnamese fish is not even a part of the same taxonomic family as a North American channel catfish. This Vietnamese fish that is coming into our country is no closer to a catfish than a yak is to a cow. My Midwesterners will understand that.

Why are they doing it? Because the catfish market in America is growing. Americans like catfish. It is wholesome. It is healthy. It is safe. It is the best protein source you can find from grain to meat. American-raised catfish is far superior in quality. It is grown in specially built ponds that pass environmental inspection, cared for in closely regulated and closely scrutinized environments to ensure the safest supply of the cleanest fish that a consumer could purchase or want to get at a restaurant.

The people importing these Vietnamese fish see a growing market of which they can take advantage. It is irrelevant to them that what they are selling isn’t really catfish or that their fish are raised in one of the worst environmental rivers on the globe. The hard-working catfish farmers of my State of Arkansas, as well as Louisiana, Mississippi, and Alabama, are being robbed of a hard-won market that they developed out of nothing. As we all know, rural America has been in a serious decline for years. The ability of family farmers throughout the country to scrape out a living has been disappearing in recent years.

Unfortunately, our rural communities in the Mississippi Delta where much of the catfish industry is now located have shared in this devastating decline. Of course, the decline of the rural economy has many causes, but a powerful force behind this decline has been the disconnect between production agriculture in the United States and the terribly distorted and terribly unfair overseas markets these farmers face. They must compete with heavily subsidized imports that come into this country and undermine their own market. When they are able to crack open a tightly closed foreign market, U.S. farmers must compete again with heavily subsidized foreign competition.

In short, the unfair trading practices of foreign countries have played a very significant role in the serious damage wrought on America’s farmers and has been a primary cause in the decline of rural America.

Over the past several years, rather than accept defeat to the advancing forces, farmers in our part of the country decided to fight back. They fought back by building a new market in aquaculture, recognizing the enormous percentage of aquaculture fish and shell fish that we still import into this country today. There is one thing that we can do well in the delta region; it is grow catfish. So many of these communities, these farmers, their families and related industries, invested millions and millions of dollars into building a catfish industry and a catfish market. And they have diversified. It has taken years, but they have done it and done it well. They are still doing it.

Now, just as they are seeing the fruit of their years of labor and investment, just as they are flooding a light at the end of the rural economic tunnel, they find themselves facing a new and more serious form of unfair trading practices. They saw their financial return on these other traditional crops fall alongside the general decline in our rural economy by shipments of fish that is no more closely related to catfish than you and I—than a yak is to a cow. It is an unfair irony that our catfish farmers find themselves once again in the headlines of an onslaught of unfair trade from another country.

But my colleagues from catfish-producing States and I are not going to stand for it.

My distinguished colleague from Massachusetts, Senator KERRY, observed earlier this is a problem that we must address and the Vietnamese practice itself where it occurs, and that is at the labeling stages. That is exactly what I am here to do today.
Today my colleagues and I, my colleagues from the other catfish-producing States, are introducing a bill that will stop this misleading labeling at the source. Our bill will prohibit the labeling of any fish—as catfish that is; in fact, not an actual member of the catfish family. We are not trying to stop other countries from growing catfish and selling it to our country. We simply want to make sure that if they say they are selling catfish, they are doing exactly that.

This is about truth in fairness. That is what our bill seeks to accomplish. On behalf of the catfish farmers in Arkansas and the rest of our producing States, I am proud to introduce this bill. We will pursue this bill with every ounce of fight we have. Our farmers and our rural communities deserve it. This is one way we from the Congress can address the issues we see and still maintain the good trading relationships, the good engagement with other nations. We hope to build those friendships and relationships that we need in this ever-smaller global world in which we are finding ourselves.

As we work to make those trade agreements and certainly the bipartisan initiatives that are out there more fair, we want to continue to encourage all of the engagement of opening up freer trade with many of the nations of the world in the hope of finding that hope about which the Senator from Nebraska spoke so eloquently. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time do we have?

The PRESIDING OFFICER. Seventy-three and a half minutes.

Mr. SMITH of New Hampshire. I yield myself such time as I might consume.

Madam President, I will try to put back in the record what we have the issue before the Senate subsequent to some of the remarks made since I last spoke.

The issue is whether or not we want to continue to provide normal trade relations with the Vietnamese. That is the matter on which the Senate will be voting. The point I have been trying to make in my discussion is whether or not the Senate would be willing to do what the House did by a vote of 410–1 and approve the Vietnam Human Rights Act, H.R. 2833. I would like to see a favorable vote on H.R. 2833, but I am not asking for everybody to vote for it. I am simply asking for the opportunity to vote on it.

I don’t understand, given all of the circumstances of the human rights violations that the Vietnamese have committed, why it is, if we are going to provide normal trade relations with them, that we cannot go on record as the House—and properly so—stating we object to their human rights violations. We do it to other countries of the time. There is only one conclusion that can be drawn; let’s be honest. We don’t want to embarrass the Vietnamese. Those Members of the Senate holding up the opportunity to vote on H.R. 2833 are doing it strictly because they are afraid somehow this will embarrass the Vietnamese or somehow make it awkward for them.

As I said earlier, this is a quote from People’s Army Daily which speaks for the Vietnamese Government on numerous occasions when they talked about the terrorist attack on the United States of America:

There are not fully. There is a big difference between being cooperative and being fully cooperative. You can ask anyone who works on this issue in the Intelligence Committee—and certainly Paul Wolfowitz knows what he is talking about. He says they are not fully cooperative. So let’s not stand on the floor of the Senate and say let’s normalize trade with Vietnam because they have been fully cooperative when every one of us knows differently. End of story.

If you want to go beyond that, that is not the only issue. All I am asking is that the Senate, in addition to voting on this normalizing trade, would also give the Senate the opportunity to be on record on the human rights violations. That is it.

Human Rights Watch and Amnesty International recently criticized the Vietnamese Government’s use of closed trials to impose harsh prison terms on 14 ethnic minority Montagnards from the central highlands of Vietnam—closed trials, kangaroo courts. The Montagnards were the ones who helped us tremendously during the Vietnam War. That is a nice thank-you for what they did. Many of them gave their lives and lots of freedoms to stand up with us—stand with us during the Vietnam War. Now we are having kangaroo courts, defendants charged. The archives have not been opened. Will be happy to do it.

Unfortunately, because of holds on the human rights bill—I repeat, it passed 410–1 in the House of Representatives—we can’t have that vote. All it is going to do is cite and recite—and I will have some of these in the RECORD now—some of the human rights violations of which the Vietnamese Government is guilty.

I do want to normalize trade relations with them for a number of reasons—first and foremost, because they have never fully accounted for POWs and MIAs, and I don’t care how many people come on the floor and say they did. They have not. It is an issue I have asked for, and I can tell you right now they have not fully cooperated in accounting for POWs. If anyone wants to sit down with me and go through it on a case-by-case basis, I will be happy to do it.

It is false. Paul Wolfowitz said it was. The archives have not been opened. Have they been cooperative to some extent? Yes. Have they been fully cooperative? No. They have not. And that applies out there who have not gotten information on their loved ones that the Vietnamese could provide. They have not done it. So I don’t want to hear this stuff that they are fully cooperative. They are not fully cooperative. You can ask anyone who works on this issue in the Intelligence Committee—and certainly Paul Wolfowitz knows what he is talking about. He says they are not fully cooperative. So let’s not stand on the floor of the Senate and say let’s normalize trade with Vietnam because they have been fully cooperative when every one of us knows differently. End of story.

The only reason I can’t do it is because people have secret holds. I have said, and I will say it again publicly, I hate secret holds. I do not use them. I said, and I will say it again publicly, I hate secret holds. I do not use them. And certainly Paul Wolfowitz knows that. That is what he is talking about. He says they have the holds and why. Why is it we cannot vote on the human rights accord as the House did?
I mentioned the Montagnards. I will repeat a few. But it is unbelievable, some of the things that are going on and we choose to ignore them because we do not want to offend them for fear we might not be able to sell them something.

To be candid about it, there are things more important than making a profit in America. There are about 6,500 people in New York who would love to have the opportunity to make a profit. They cannot because they have lost their jobs permanently because of what happened.

This is the insensitive, terrible comment that was made by these people in Vietnam. And there were more. I read more into the Record, I will not repeat them. Students on the street saying it is too bad it wasn’t Bush and it is too bad it wasn’t the CIA, on and on, comments coming out of the Vietnamese Government, and students and populace, and put in their papers, on the public and private record.

They can stop anything they want from being printed. They do not have a free press in Vietnam. If they don’t want this stuff printed, they could say: We won’t print it. But they did print it because it is a serious slap. Here is the official message: We are sorry about what happened. But here is the other message. That is what bothers me.

Again, all I am asking for is the right to vote on this human rights accord and we have done it because we cannot get it to the floor.

The Government of Vietnam consistently pursues the policy of harassment, discrimination, intimidation, imprisonment, sometimes other forms of detention, and torture. Sometimes trading in human beings themselves—having people try to buy their freedom to get out of that place and after they pay the money they retain them anyway and will not let them out.

These are victims of such mistreatment—it goes on and on. We could give all kinds of personal testimony to that—priests, religious leaders, Protestants, Jews, Catholics—anybody. They have all been victims of this terrible, terrible policy of this Government of Vietnam. Yet we ignore it. We refuse to even vote on it.

Everybody has to work with their own conscience. Again, however you feel about it, whether you agree or disagree, you agree or disagree with normalizing trade with Vietnam, that is the issue. The issue is: Why can’t we be heard? Why can’t the Senate vote as the House did to point out what these terrible human rights violations were, or whether you agree or disagree with normalizing trade with Vietnam, that is the issue.

The issue is: Why can’t we be heard? Why can’t the Senate vote as the House did to point out what these terrible human rights violations were, or whether you agree or disagree with normalizing trade with Vietnam, that is the issue.

These are the Senate rules. I respect the Senate rules. Every Senator has a right to do that. I do not criticize the rule nor anyone’s motives, other than to say I wish those who oppose voting on human rights would have the courage to come down and say why not. Why can’t we say, at the same time we are giving you trade, that we are also willing to tell you it is wrong, what you are doing to people in Vietnam: torturing, slave trading, forcing people to buy their freedom and then not allowing them to get free after they pay the money, on and on—persecution of religious leaders. These things are wrong. We criticize governments all over the world for all the time. We take actions against them, sanctions and other things.

Then, on top of that, the insensitivity of this remark, and others—that is reason enough to say OK, we are not going to give you the trade, because we will give you the trade, but we also want to point out to you that what you are doing is wrong. What you said here is wrong. What you are doing to citizens in Vietnam is wrong, and we are going to say that in this resolution, as the House did. That is all I am asking. I know it is not going to happen. That is regrettable. I think, frankly, it is not the Senate’s finest hour that we ignore that remark, ignore the human rights violations, and give you trade.

Sometimes you just have to let your heart take priority in some of these matters. You know what your heart says. You know in your heart that is wrong. You know it is. I don’t care how much voice you keep or sell—whatever, grain. It doesn’t matter to me what it is. Profit should not take precedence over principle. Believe me, we are letting that happen today at 2 o’clock when we vote. I am telling you we are. It is not the Senate’s finest hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Before I suggest the absence of a quorum, I might recommend to my colleague from New Hampshire, he might be interested in requesting a unanimous consent to send that bill back to committee. If it went through the process, it might have a better chance of coming up to the floor.

Mr. SMITH of New Hampshire. Madam President, if the Senator will agree that we postpone this vote until we have this bill go back to the committee where it can be heard and brought to the floor, I would be fine with that. Apparently that is not going to be the case. I think it is only fair if the Committee on Foreign Relations is going to discuss human rights violations, we should hold off the vote on this and do that at the same time. That is not going to happen.

Mrs. LINCOLN. It is just a suggestion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN, Madam President, I have arisen many times in this body over the course of the last decade to affirm my support for moving forward our relationship with Vietnam. We began carefully, over a decade ago, with cooperation in the search for our missing service personnel. That cooperation, along with Vietnam’s withdrawal from Cambodia and the end of the cold war, fostered a new spirit in Southeast Asia that allowed us to lift the U.S. trade embargo against Vietnam in 1994 and normalize diplomatic relations in 1995. My friend Pete Peterson was nominated by the President to be our ambassador in Hanoi in 1996 and was confirmed by the Senate in 1997. We lifted Jackson-Vanik restrictions on Vietnam in 1998 and have sustained the Jackson-Vanik waiver for that country in subsequent years. In 2000, we signed a bilateral trade agreement with Vietnam—one of the most comprehensive bilateral trade agreements our country has ever negotiated. We stand ready today to approve this agreement and, in doing so, complete the final step in the full normalization of our relations with Vietnam.

It need not have come this far, and would not have come this far, were it not for the support of Americans who once served in Vietnam in another time, and for another purpose—to defend freedom. The wounds of war, of lost friends and battles gone wrong, took decades to heal. It took some time for me, as it did for Pete Peterson, John Kerry, Chuck Hagel, and others, to heal and to come to understand that while some losses in war are never recovered, the enmity and despair that we felt over those losses need not be our permanent condition.

I have memories of a place so far removed from the comforts of this blessed country that I have forgotten some of the anguish it once brought me. But that is not to say that my happiness with these last, nearly thirty years, has let me forget the friends who did not come home with me. The memory of them, of what they bore for honor and country, still causes me to look in every prospective conflict for the shadow of Vietnam. But we must not let that shadow hold us in fear from our duty, as we have been given light to see that duty.

The people we serve expect us to act in the best interests of this nation. And the nation’s best interests are poorly served by perpetuating a conflict that claimed a sad chapter of our history, but ought not hold a permanent claim on our future.

I supported normalizing our relations with Vietnam for a number of reasons, but the least of which was that I could no longer see the benefit of fighting about it. America has a long, accomplished, and honorable history. We did not need to let this one mistake, terrible though it was, color our perceptions forever of our national institutions and our nation’s purpose in the world.

We were a good country before Vietnam, and we are a good country after Vietnam. In all the annals of history, you cannot find a better one. Vietnam did not destroy our national reputation. All these years later, I think the world has come to understanding that as well.
It was important to learn the lessons of our mistakes in Vietnam so that we can avoid repeating them. But having learned them, we had to bury our dead and move on.

But then Vietnam was not a memory shared by ordinary citizens—soldiers, politicians alone. The legacy of our experiences in Vietnam influenced America profoundly. Our losses there, the loss of so many fine young Americans and the temporary loss of our national sense of purpose, still medicine us so sharply that the memory of our pain long outlasted the security and political consequences of our defeat. And for too many, for too long, Vietnam was a war that would not end.

But it is now over, a fact I believe the other body’s overwhelming vote on this bilateral trade agreement, and the surprising lack of controversy it engenders, indicates. America has moved on, as has Vietnam. Our duty and our interests demand that we not allow lingering resentments we incurred during our time in Vietnam to prevent us from doing what is so clearly in our duty: to help build from the losses and hopes of our tragic war in Vietnam a better peace for both the American and Vietnamese people.

This trade agreement between our nations cements the relationship with Vietnam we have been building all these years, since we decided to put the war behind us. In approving this agreement, Vietnam’s leaders have gambled their nation’s future on a strong relationship with us, and on freeing their people from the shackles of international isolation and the command economy they once knew.

History shows that nations exposed to our values and infused with the day-to-day freedoms of an open economy become more susceptible to the influence of our values, and increasingly expect to enjoy them themselves. In choosing to deepen their nation’s relationship with the United States, Vietnam made a wise decision that will benefit their people. In choosing to deepen America’s relationship with Vietnam, we have thrown our support to the Vietnamese people, and cast our bet that freedom is contagious.

We do not reward Hanoi by voting for this trade agreement today. In doing so, we advance our interests in Vietnam even as we expose its people to the forces that will continue to change Vietnam for the better. The change its people have witnessed over the past decade has been dramatic. This trade agreement will accelerate positive change. This is a welcome development for all Vietnamese, and for all Americans.

Madam President, I yield the floor.

Mrs. LINCOLN. Madam President, I thank the Senator from Arizona for his wisdom and the thoughtfulness that he brings to this body. I appreciate it very much.

Mr. MCCAIN. I thank the Senator.

Mrs. LINCOLN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CARPER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I rise today in strong support of the resolution that is before us.

The first time I saw Vietnam was from a P-3 naval aircraft about 31 years ago this year. Twenty-one years would actually pass from that time before I set foot on Vietnamese soil. Many times in the early 1970s my aircrew and I flew over Vietnam, and I saw Vietnam, and landed in bases in that region. I never set foot on Vietnamese soil until 1991.

At that time, I was a Member of the House of Representatives and led a congressional delegation that included five other United States Representatives, all of whom served in Southeast Asia during the Vietnam war. We went at a time when many believed that U.S. soldiers, sailors, and airmen were being held—after the end of the war—in prison camps. We went there to find out the truth as best we could.

What we encountered, to our surprise, was a welcoming nation. We visited not only Vietnam but Cambodia and Laos. In Vietnam, we found, to our surprise, a welcoming nation. Most of the people who live in Vietnam are people who were born since 1975, since the Government of South Vietnam fell to the North.

For the most part—not everyone—but for the most part, they like Americans, admire Americans, and want to have normal relations with our country.

Our delegation also included U.S. Congressman Pete Peterson from Florida. We made a wide circuit in Vietnam, to those three nations, a roadmap, a roadmap that could lead to normalized relations between the United States and, particularly, Vietnam.

Our offer was that if the Vietnamese would take certain steps, particularly with respect to providing information in allowing us access to information about our missing in action, we would reciprocate and take other steps as well.

We laid out the roadmap. We assured the Vietnamese that if they were to do certain things, we would not move the goalposts but we would reciprocate. They did those certain things, and we reciprocated. In 1994, former President Clinton lifted the trade embargo between our two countries.

Think back. It has been 50 years, this year, since the United States has had normal trade relations with Vietnam—50 years. In 1994, the embargo, which had been in place for a number of years, was lifted.

I had the opportunity to go back to Vietnam a few years ago as Governor of Delaware. I led a trade delegation to that country. What I saw in 1998 surprised me just as much as being surprised when we were welcomed in 1991.

I will never forget driving from the airport to downtown Hanoi and being struck by the number of small businesses that had cropped up on either side of the highway that we traversed. It was a fairly long drive, and everywhere we looked small businesses had popped up to provide a variety of services and goods to the people.

The Government leaders with whom we met talked about free enterprise. They talked about the marketplace, and finding ways to use the marketplace, might allow them to better meet the needs of their citizens, how it would enable them to become a more important trading partner in that part of the world, and for them to be a nation with less poverty and with greater opportunities for their own citizens.

Vietnam today is either the 12th or 13th most populous nation in the world. Some 80 million people live there. There are a number of reasons why I believe this resolution is in our interest, and I will get into those reasons in a moment, but I want to take a moment and read the actual text of this resolution. It is not very long. It says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of the discriminatory temporary suspension of the imports of credit for having hammered out the provisions of this bilateral trade agreement.

The agreement was concluded a year ago in an earlier administration and has been sent to us by President Bush for our consideration. There are a number of reasons that former President Clinton and his administration thought this was a good idea for America. There are a number of similar reasons that President Bush and his administration believe this agreement is a good one for America.

First, it acknowledges that Vietnam is a big country, a populous country, and one that is going to play an ever
more important role in that part of the world and in the world. It has 80 million people, mostly under the age of 30, for the most part people who like us, admire us, who want to have a good relationship with the United States despite our very troubled relations over the last half century.

Those markets that now exist in Vietnam have not been especially open to us. Sure, we have had the ability to sell over the years more and more goods, including a fair amount of high-technology equipment and goods. They now sell a number of items to us. We buy those. But they have in place barriers to our exports, and we have barriers to their exports. We will create jobs in this country, and they will create jobs in their country. If we will lift the import restrictions here and there, reduce the quotas dramatically and the tariffs. This provision does that, not just for them but for us. To the extent that we can sell more goods and services there, we benefit as a nation, and we will.

A number of countries in that part of the world do not respect intellectual property rights. Vietnam is not among the worst offenders in that regard. But there are problems in this respect. This agreement will take us a lot closer to where we need to be in protecting intellectual property rights, not just of Americans but of others around the world.

On my last visit to Vietnam, in the meetings we had with their business and government leaders, we talked a lot about transparency and how difficult it was for those who would like to invest in Vietnam, do business in Vietnam, to go through their bureaucracy. Their bureaucrats make our look like pikers. They are world class in terms of throwing up roadblocks and making things difficult for investment to occur. This agreement won’t totally end that, but it will sure go a long way toward permitting the kind of investments American companies want to make and ought to be able to make in Vietnam and, similarly, to reciprocate and provide their business people, their companies, the opportunity to invest in the United States.

There is something to be said for regional stability as well. Vietnam can contribute to regional stability if their economy strengthens and they move toward a more free market system. Or they can be a contributor to destabilization. This agreement will better ensure they are a more stable country and able to promote stability within the region.

Others have raised concerns today about alleged continuing abuses in human rights and the denial of freedom of religion, insufficient progress toward democratization. There is more than a grain of truth to some of that. Religious leaders are not given the kind of freedom that our leaders have. The Vatican declared last year that as far as they are concerned, freedom to worship is no longer a problem in Vietnam.

They open kindergartens now and they teach the catechisms as much as they are taught here in Catholic-sponsored kindergartens. When I was there in 1991, they still had reeducation camps. They no longer have those. They have been replaced for the most part by drug rehabilitation centers.

Much has been made today of the reaction of the Vietnamese to the horrors here 22 days ago, September 11. The truth is, the Vietnamese press has been overwhelmingly sympathetic to the American people who lost loved ones on September 11. Their government leaders provided, literally within days, a letter of deep condolences to our President to express their abhorrence for what happened in our Nation.

With respect to terrorism, if anything, Ambassador Peterson shares with me that they have been helpful to us in working on terrorist activities and providing not only information that is valuable to us but giving us the opportunity to reciprocate. He suggests they may have actually been a better partner at this transfer of information than we have.

Finally, the freedom to emigrate. I recall 10 years ago there were difficulties people encountered trying to emigrate to this country or other countries from Vietnam. Today, for the most part, passports are easily obtained. If a person wants to go to Australia, if a person wants to come to the United States, if they don’t have criminal records or other such problems in their portfolio, they are able to get those passports and travel.

Let me conclude with this thought: I think in my lifetime, the defining issue for my generation, certainly one of the defining issues, has been our animosity toward Vietnam, the war we fought with Vietnam, a war which tore our country apart. That war officially ended 26 years ago. A long healing process has been underway since then in Vietnam and also in this country.

We have come a long way in that relationship over the last 26 years. So have the Vietnamese. We have the potential today to take that last step in normalizing relations, and that is a step we ought to take.

Vietnam today is no true democracy. They still have their share of problems. So do we, and so does the rest of the world. But if we adopt this resolution and agree to this bilateral trade agreement, it will move Vietnam a lot further and a lot faster down the road to a true free enterprise system. With those economic freedoms will come, more surely and more quickly, the kind of political freedoms we value and would want for their people just as much as we cherish for our people.

With those thoughts in mind, I conclude by sending our old colleague the President of the Philippines warmest congratulations for his visit to Vietnam and to our House and to the Senate. I ask unanimous consent that I be allowed to speak as in morning business for up to 6 minutes.

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

(The remarks of Mr. BINGAMAN are printed in today’s RECORD under “Morning Business.”)

Mr. BINGAMAN. Madam President, I rise today in strong support of H.J. Res. 51, the Vietnam Trade Act, which would extend normal trade relations to the nation of Vietnam. I know there is limited time available on this issue today, so I will keep my comments short and to the point.

Let me begin by clarifying what this agreement actually does. Simply put, the purpose of this trade agreement is to normalize trade relations between the United States and Vietnam. At present, Vietnam is one of only a handful of countries in the world that do not receive what is called normal trade relations status from the United States. Under this agreement, the United States would put in place a range of significant advantages in the Vietnamese market. It does not have at this time, examples being: access to key sectors, including goods, services and agriculture; protection for investment and intellectual property, transparency in laws and regulations, and a lowering of tariffs on products. For the United States, this agreement translates into an opportunity for American companies to enter a country with significant developmental needs. It means sales across the board in the consumer market, sales in infrastructure development, and sales in government procurement. Importantly, it means that we will now be able to compete on equal footing with other foreign countries, all of which trade with Vietnam on “normal” terms and many of which already have a significant presence in that country.

For Vietnam, this agreement translates into a substantial decrease in tariffs on products it can send to the United States and a tangible opportunity for export-led economic growth.
now and in the future. It gives Vietnam and its people, more than half of which are under the age of 25, a very real chance to obtain the level of prosperity, security, and stability that it has desired for nearly a half a century. It means an increased standard of living, economic change or growth with the world, and an increased integration of Vietnam's institutions with the international system. Most of all, it means positive and peaceful political economic change in a country that has suffered tremendously for far too long.

Let us not lose sight of this last point, because much like the U.S.-Jordan free trade agreement, the U.S.-Vietnam bilateral trade agreement has a larger geo-political context. In 1995, after years of lingering animosity between our two countries, the United States and Vietnam made a conscious and, I think, an extremely wise decision to take a different and far more constructive path in our relations. For many, this decision was also difficult and even controversial as there was a number of critical issues that they felt remained unresolved.

These issues—the POW/MIA's, religious freedom, human rights, labor rights, and drug war—are not going to go away quickly. I have thought about them carefully and at length as I decided whether or not I would support this legislation. I do not want to underemphasize or, even worse, ignore the fact that Vietnam has a very long way to go when it comes to the rights and liberties that we in our country consider fundamental.

But I also feel that this comes down to the question of how change is going to occur. Does it occur through engagement or isolation?

Based on the evidence I have seen, both in the case of Vietnam and with other countries, I am convinced it is far more productive to integrate Vietnam into the institutions of the modern world, establish agreements of norms and rules—pull it into the common tent where we can talk to government officials and private citizens on a regular basis on the issues that matter to us all than leave it out. I have come to the conclusion that it is far better to create cooperative mechanisms to discuss issues like forced child labor, or environmental degradation, or trafficking in women, or international trade than to ostracize Vietnam and wonder if this is not occurring. I do not think it is essential that the United States interact regularly and intensively with Vietnam. Our goal should be to integrate Vietnam fully into the collective institutions of East Asia and the international community. Only through this effort will we see incremental but steady reform and progress occur.

Let me say in conclusion that Vietnam is changing in dramatic, important, and, I believe, irreversible ways. I believe this trade agreement will not only accelerate and expand that change, but it will also create a strong, mutually beneficial relationship between the United States and Vietnam. I want to thank all my colleagues who have played an integral role in drafting this legislation. I am convinced it will have a profound and lasting effect on Vietnam, on the region of East Asia as a whole, and on U.S.-Vietnam relations for a long way, and I am extremely encouraged to see that we have put old and counterproductive animosities aside to take a very positive step forward into the future.

Mr. ALLEN. Mr. President, I rise in support of the United States-Vietnam Bilateral Trade Agreement. I believe this agreement will help transform Vietnam's economy into one that is more open and transparent, expand economic freedom and opportunities for Vietnam's people and foster a more open society.

At the same time, I commend my colleague, Senator Bob SMITH, for his efforts to press for consideration of the U.S. Vietnam Human Rights Act. Senator SMITH is correct; these two measures should have been considered in tandem.

A constituent, and friend, of mine is Dr. Quan Nguyen. He is a respected leader of the Vietnamese community in Virginia. Mr. Dan Que, is in Vietnam and he is not free. He is the head of the Non-Violent Movement for Human Rights in Vietnam. He spent 20 years in Vietnamese prisons because he dared to believe in the rights of freedom, liberty and democracy. He has been under house arrest since 1999. He lives with two armed guards stationed outside his residence. His telephone and Internet accounts have been cut off and his mail is intercepted. Dr. Que has been labeled a common criminal because his "anti-socialist" ideas are a crime in Vietnam.

The struggle for freedom of conscience, economic self-sufficiency and human rights is one that has not ended yet. Throughout the Cold War, Regimes throughout the world continue in power while denying basic human rights to their citizens and unjustly imprisoning those who peacefully disagree with the government. One such place is the Socialist Republic of Vietnam.

I support increased trade with Vietnam and will vote for this measure. At the same time, I urge the government of Vietnam to choose the path of enlightened reform, respect for all its citizens and their human rights. Vietnam waits on the cusp of history, and the choices before it are important choices between freedom and respect for human rights, or stagnation and totalitarianism.

Mr. LEVIN. Mr. President, The bilateral trade agreement that the United States signed with Vietnam in July 2000 represents a milestone in U.S. relations with Vietnam. Building a foundation for a strong commercial relationship with Vietnam is not only in our economic interest, but it is in our security interest and our diplomatic interest. Vietnam has made comprehensive commitments, which will help open up Vietnam's market for products produced by U.S. workers, businesses and farmers. These commitments will not only help pave the way for changes in the Vietnamese economy, but in Vietnamese society as a whole.

While the U.S.-Vietnam bilateral trade agreement is an important step forward in our diplomatic and commercial relationship, I am disappointed that the agreement does not address Vietnam's poor record of enforcing internationally-recognized core labor standards. The Government of Vietnam continues to deny its citizens the right of association, allows forced labor, and inadequately enforces its child labor and worker safety laws. Vietnam's poor labor conditions led President Clinton to sign a Memorandum of Understanding, MOU, with Vietnam in December 2000. This MOU, pledging U.S. technical assistance for Vietnam to improve its labor market conditions, is a start, but it does not require Vietnam to take specific steps to improve enforcement of existing laws and regulations. More is needed.

I believe my colleagues who have been urging the Administration to commit to enter into a textiles and apparel agreement with Vietnam that would include positive incentives for Vietnam to improve its labor conditions, similar to the United States-Cambodia Agreements, such an agreement is important to maintain a consistent U.S. trade policy that recognizes the competitive impact of labor market conditions. Additionally, if the United States fails to enter into a textile and apparel agreement with Vietnam similar to the agreement with Cambodia, the agreement with Cambodia may be undermined if businesses move production to Vietnam at the expense of Cambodia.

The vote today inaugurates an annual review of whether the United States should extend normal trade relations, NTR, to Vietnam. As Congress undertakes these annual NTR reviews for Vietnam, we will closely monitor Vietnam's progress in reaching a textiles and apparel agreement with Vietnam similar to the agreement with Cambodia, the agreement with Cambodia may be undermined if businesses move production to Vietnam at the expense of Cambodia.

Mr. MURkowski. Mr. President, I rise in support of H.J. Res 51, approving the United States-Vietnam Free Trade Area and has economic and trade relations with 165 countries. Establishing normal trade relations for Vietnam is a logical step in our trade AND foreign relations.
Negotiated over a four-year period, this trade agreement represents an important series of commitments by Vietnam to reform its economy. It provides important market access for American companies and is a crucial step in the process of normalizing relations between the two countries and Vietnam.

There are those in this body who do not believe, as I do, that the United States and Vietnam are ready to end thirty-five years of violence and mistrust between our two countries. There are those who believe the great battle between capitalism and communism has yet to be fully won. There are Senators who believe that our goal should be to destroy the last vestiges of communism. I am one of those Senators.

I believe that communism belongs, to paraphrase the President in his remarkable joint address of Congress on September 20, "in history's unmarked grave of discarded lies." Those who believe that the best way to make sure the lie of Vietnamese communism dies is to shun Vietnam, to condition interaction on a fundamental political shift in Vietnam. In other words, you change your ways, and then we will engage you. I am not one of those Senators.

I believe that trade is the best vehicle to force political change. The Vietnamese, like China before it, has gone far down a path of economic reform. They practice Capitalism and preach Communism.

I believe that capitalism is infectious. I do not believe that Capitalism and communism can coexist. I believe that the road on which Vietnam is traveling will inevitably lead to democratic change, and that its experiment with Communism will die an unmarked death.

Further delay in passing the BTA will harm will delay Vietnam on this road. The BTA is the right vehicle at the right time for our economic and foreign policy priorities.

I urge my colleagues to pass H.J. Res. 51.

Mr. COCHRAN. Mr. President, I believe the catfish industry in the United States is being victimized by a fish product from Vietnam that is labeled as farm-raised catfish. Since 1997, the volume of Vietnamese frozen fish filets has increased from 500,000 pounds to over 7 million pounds.

U.S. catfish farm production, which is located primarily in Mississippi, Arkansas, Alabama, and Louisiana, accounts for 50 percent of the total value of all U.S. aquaculture production. Catfish farmers in the Mississippi Delta region have spent $50 million to establish a market for North American catfish.

The Vietnamese fish industry is penetrating the United States fish market by falsely labeling fish products to create the impression they are farm-raised catfish. Vietnamese "basra" fish that are being imported from Vietnam are grown in cages along the Mekong River Delta. Unlike other imported fish, basa fish are imported as an intended substitute for U.S. farm-raised catfish, and in some instances, their product packaging imitates U.S. brands and logos. This false labeling of Vietnamese basa fish is misleading American consumers at supermarkets and restaurants.

According to a taxonomy analysis from the National Warmwater Aquaculture Center, the Vietnamese basa fish is not even of the same family or species as the North American channel catfish.

The trade agreement with Vietnam, unfortunately, will allow the Vietnamese fish industry to enhance its ability to ship more mislabeled fish products into this country, and under the procedure for consideration of this agreement it is not subject to amendment.

However, I hope the U.S. Department of Agriculture and the Food and Drug Administration will review its previous decisions on the steps to ensure the trade practices of the Vietnamese fish industry are fair and do not mislead American consumers.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the resolution to approve the bilateral trade agreement signed by the United States and Vietnam on July 13, 2000. I believe this agreement is in the best interests of the United States and Vietnam and will do much to foster the political and economic ties between the two countries.

Under the terms of the agreement, the United States agrees to extend most-favored nation status to Vietnam, which would significantly reduce U.S. tariffs on most imports from Vietnam. In return, Vietnam will undertake a wide range of market-liberalization measures, including extending MFN treatment to U.S. exports, reducing tariffs, easing barriers to U.S. services, increasing exports, telecommunications, committing to protect certain intellectual property rights, and providing additional inducements and protections for inward foreign direct investment.

These steps will significantly benefit U.S. companies and workers by opening a new and expanding market for increased exports and investment. Just as important for the United States, this agreement will promote economic and political freedom in Vietnam by bringing Vietnam into the global market economy, tying it to the rule of law, and increasing the wealth and prosperity of all Vietnamese.

I share the concerns many have expressed about the human rights situation in Vietnam. No doubt, there is a great deal of room for improvement. Nevertheless, I am a firm believer in the idea that as you increase trade, as you increase communication, as you increase exposure to western and democratic ideals, you will draw realism, pluralism and respect for human rights. The more you isolate, the greater the chance for human rights abuses.

I believe the United States will continue to address this issue and use the closer ties that will come from an expanded economic and political relationship to press for significant improvement of Vietnam's human rights record. We owe the people of Vietnam and the United States more respect and finality. In addition, I believe that this agreement will promote economic opportunity and the rule of law in Vietnam which will have a positive effect on that country's respect for human rights.

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of the bilateral trade agreement with Vietnam, this trade agreement will extend normal trade relations status to Vietnam. This important legislation enjoys strong bipartisan support, it passed the House of Representatives by voice vote and implements the comprehensive trade agreement signed last year.

The United States has extended the Jackson-Vanik waiver to Vietnam for the past 3 years. This waiver is a prerequisite for Normal Trade Relations trade status and has allowed American businesses operating in Vietnam to make use of programs supporting exports and investments to Vietnam. The passage of this trade agreement completes the normalization process with Vietnam that has spanned four Presidential Administrations, and I believe it is a milestone in the strengthening of our bilateral relations.

I would like to commend our former Ambassador to Vietnam, Pete Peterson. Ambassador Peterson's tenure as Ambassador was a seminal period in United States-Vietnamese relations, and he did, by any standard, an outstanding job in representing the United States.

I believe that this trade agreement will result in significant market openings for America's companies. In particular, Oregon companies will benefit from this expansion of trade with Vietnam by having greater access to Vietnam's market of almost 80 million people, as well as lower tariffs on Oregon goods. This agreement also gives the United States greater influence over the pace of economic, political and social reforms by opening Vietnam to the West. Our goods and our democratic ideals have a lasting impression in that country. I believe that this agreement will help transform Vietnam into a more open and
October 3, 2001

CONGRESSIONAL RECORD—SENATE
S10125

transparency, expanding economic freedom and opportunities for the Vietnamese people.

Portland, OR is home to a strong Vietnamese-American community, most of whom left their homeland as refugees. Oregon welcomes these people with open arms and their tight-knit community have become highly sought after workers and valued American citizens. I hope that this step towards better relations will bring about economic and social reforms to their homeland, as well as faith in their new country's ability to share western values abroad.

I applaud the Administration for its work on this trade effort and for its work in rebuilding relations between the United States and Vietnam. In particular, the work of the Department of Defense in solving unresolved MIA cases in Vietnam has been outstanding. The dedication to the goal of repatriating and subclassifying MIA's the United States has provided a sense of closure to many American families who experienced a loss decades ago.

I would like to thank my colleagues on the Senate Finance Committee for the timely disposition of this trade agreement, and I look forward to working with the Vietnamese people to bring further economic and political reforms to their country.

Mr. DASCHLE. Mr. President, today, the Senate takes a significant step toward opening Vietnamese markets to America's farmers and workers, normalizing our relations with Vietnam, and reaffirming our commitment to engage, and not retreat from, the rest of the world.

H.J. Res. 51, the Vietnam Trade Act, is the result of nearly five years of negotiations. It will put into action the landmark trade agreement that was signed last summer by the United States and Vietnam.

A number of years ago, I had the opportunity to visit Vietnam. I remember the warmth with which we were greeted by those we met. I especially remember a girl I met one morning on a street in Hanoi. She couldn't have been more than 12 or 13 years old, and she was selling old postcards of different places all over the world.

I offered to buy the one postcard she had from America.

She shook her head and said, "No, won't sell . . . America." To her, that postcard was priceless. It represented a place of opportunity.

This trade agreement will allow US goods and services to enter Vietnam. Just as important, it will allow American ideals to flow more freely into that nation. It will help that young woman we met, who is typical of all Vietnamese who were born after the war, create a freer and more prosperous Vietnam.

Instead of holding onto that old, tattered postcard, she will be able to grasp real freedom and opportunity. That will help both of our Nations.

I want to thank the many people who made this agreement possible: Ambassador Pete Peterson and the trade negotiators in the Clinton Administration; President Bush, who has pressed for this act's completion; Chairman BAUCUS and Senator GRASSLEY, who have worked together to bring this bill to the floor; and, four senators whose leadership we are fortunate to know, and whose service to this country is unparalleled. This trade agreement would not have been possible without the courageous leadership of JOHN KERRY, JOHN MCCAIN, CHUCK HAGEL, and MAX CLELAND.

This is the most comprehensive bilateral trade agreement ever negotiated by the U.S. with a Jackson-Vanik country.

It demands that Vietnam provide greater access to their markets, provide greater protection for intellectual property rights, and modernize business practices.

The result will be new markets, and new opportunities, for our companies, farmers and workers.

This trade deal is far more than just a commercial pact. It is another step in the long road toward normalizing relations between our two countries.

We all know where our countries were, and where we have come.

For people like JOHN MCCAIN and JOHN KERRY, for all of us who served during the Vietnam War era, we came of age knowing Vietnam as an adversary.

In the years since, we've been able to open lines of communication. We've worked to provide a full accounting of American prisoners of war and those missing in action, and we are cooperating on research into the health and environmental effects of Agent Orange.

Today, we take another step toward making Vietnam a partner.

In exchange for serious economic reform and increased transparency, this agreement normalizes the economic relationship between our countries.

These reforms, in turn, give Vietnam the opportunity to integrate into regional and global institutions. And they will give the Vietnamese people a chance to know greater freedoms and a more open society.

We are clear-eyed about Vietnam's problems. The State Department found again this year that the Vietnamese government's human rights record is poor. Religious persecution and civil rights abuses are still rampant throughout the country.

In pressing forward today, we are not condoning this behavior. To the contrary, we are calling on the Vietnam government to fulfill its commitments for greater freedom.

And we are pledging to hold them to that commitment.

Finally, the Vietnam Trade Act is also a reaffirmation of America's continued international leadership.

Last spring, when this resolution was introduced in the Senate, I said that its passage would send a signal to the world that the United States is committed to engaging with countries around the globe by using our mutual interests as a foundation for working through our differences.

In the wake of September 11, this engagement is more important than ever, and since that time we have: overwhelmingly approved the Jordan Free Trade Agreement, the first ever U.S.-free trade agreement with an Arab country; taken another step to make right our dues at the United Nations; and, begun building an unprecedented international coalition against terrorism.

Passage of H.J. Res. 51 will send an additional message to the global community that the United States cannot, and will not, be scared into its borders.

We will not close up shop.

And to that young girl in Hanoi, and all who share her hopes, we say that we will not be content to defend our freedoms solely within our borders. We will continue to be a light to all who look to our example.

We will not retreat from the world. We will lead it.

This is a good resolution. And it allows us to begin implementing a good agreement. I urge my colleagues to support it.

Mr. NELSON of Florida. Mr. President, I rise today in support of the Vietnam Bilateral Trade Agreement. This agreement paves the way for improved relations between the United States and Vietnam, and will improve overall economic and political conditions in both countries. I would like to say a few words about a man who was an integral part of negotiating this agreement, Ambassador Douglas "Pete" Peterson. Many people in Florida are familiar with the heroic deeds and leadership of Pete Peterson. It is fitting and proper that we, in this body, recognize his exemplary service to our country.

Pete Peterson was a young Air Force pilot when he was shot down, captured, and held as a prisoner of war in Vietnam where he remained for 6½ years. He was regularly interrogated, isolated, and tortured. Very few POWs were held longer. His example of perseverance under the most horrible conditions and circumstances is one that cannot be easily comprehended, but is one that we must regard with immense gratitude.

Pete Peterson was not deterred by his horrific experience in Hanoi and continued his service in the Air Force. He went on to complete 26 years of service, retiring as a colonel. He distinguished himself as a leader in Florida, and was elected to represent the second congressional district of Florida in 1990.

After serving three terms in the U.S. Congress, Pete became the U.S. first post-war Ambassador to Vietnam. I have known Pete for many years, and he made a comment about his tour as Ambassador to Vietnam which I believe, is indicative of his commitment to service, "How often does one have the chance to return to a place where
you suffered and try to make things right?"

Pete Peterson made things right. One step toward doing so was the Vietnam Bilateral Trade Agreement. This was Pete’s top trade priority, but it was much more. It was an important part of normalizing relations with Vietnam, including political and economic reform, as well as working to improve human rights. Only someone of Pete Peterson’s caliber could have successfully represented the United States during the challenging period of normalizing relations and healing between our nations. Only someone of his patriotism, honor, and integrity could have played such a prominent role in achieving this trade agreement. This agreement will increase market access for American products and improve economic conditions in Vietnam as well as the climate for investors in Vietnam.

Now we still have some work to do. I know the Commission on International Religious Freedom has been critical of Vietnam, and I was disappointed to see some of the comments that came out of Hanoi in the wake of the terrorist attacks on September 11. However, only through engagement and cooperative efforts can we most effectively move Vietnam to continue to respect human rights and continue political and economic reform. That is why Pete Peterson should be recognized and thanked here today. I yield the floor.

Mr. BAUCUS. Madam President, what is the parliamentary position? The PRESIDING OFFICER. H.J. Res. 51 is pending.

Mr. BAUCUS. Madam President, is there an agreement when a vote will occur?

The PRESIDING OFFICER. A vote will occur at 2 p.m.

Mr. BAUCUS. Seeing a vote is about to occur, I will be with you very briefly.

FAST TRACK LEGISLATION

Mr. BAUCUS. I am encouraged by the beginnings of bipartisan action from the House on fast-track legislation, otherwise known as trade promotion authority. We have a little ways to go, but I am very encouraged by the beginnings of a bipartisan agreement in the other body. It is my hope there can be more bipartisan agreement than there has been thus far.

We want a bill to pass the House with as many votes as possible. Obviously, granting fast-track authority, granting trade promotion to the President by the Congress, if it passes by an extraordinarily large margin, will be helpful in negotiating the SALT trade agreement with other countries.

If the House does pass this bill, the Senate Finance Committee will take up the bill and hopefully bring the bill to the floor and get it passed. The key is in the spirit of the bipartisanism and cooperation, which has been tremendous, that has occurred since September 11. There is an opportunity for continued bipartisan agreement in the trade bill.

I am very pleased to say there has been such cooperation in Washington, DC—both Houses, both political parties, both ends of Pennsylvania Avenue. There is an opportunity here for that same spirit of cooperation to continue on the trade bill. If it does, we will get it passed earlier rather than later.

I see 2 o’clock has arrived.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Madam President, 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 joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER (Mr. BAYH). The joint resolution having been read the third time, the question is, shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 291 Leg.]

<table>
<thead>
<tr>
<th>YEA—88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akaka</td>
</tr>
<tr>
<td>Allard</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Baucus</td>
</tr>
<tr>
<td>Bayh</td>
</tr>
<tr>
<td>Bennett</td>
</tr>
<tr>
<td>Biden</td>
</tr>
<tr>
<td>Bingaman</td>
</tr>
<tr>
<td>Boxer</td>
</tr>
<tr>
<td>Brownback</td>
</tr>
<tr>
<td>Burns</td>
</tr>
<tr>
<td>Cantwell</td>
</tr>
<tr>
<td>Carnahan</td>
</tr>
<tr>
<td>Carper</td>
</tr>
<tr>
<td>Chafee</td>
</tr>
<tr>
<td>Cleland</td>
</tr>
<tr>
<td>Clinton</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Conrad</td>
</tr>
<tr>
<td>Cruz</td>
</tr>
<tr>
<td>Crapo</td>
</tr>
<tr>
<td>Daschle</td>
</tr>
<tr>
<td>Dayton</td>
</tr>
<tr>
<td>DeWine</td>
</tr>
<tr>
<td>Dodd</td>
</tr>
<tr>
<td>Domenici</td>
</tr>
<tr>
<td>Dorgan</td>
</tr>
<tr>
<td>McCain</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAYS—12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akaka</td>
</tr>
<tr>
<td>Allard</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Baucus</td>
</tr>
<tr>
<td>Bayh</td>
</tr>
<tr>
<td>Bennett</td>
</tr>
<tr>
<td>Biden</td>
</tr>
<tr>
<td>Bingaman</td>
</tr>
<tr>
<td>Boxer</td>
</tr>
<tr>
<td>Brownback</td>
</tr>
<tr>
<td>Burns</td>
</tr>
<tr>
<td>Cantwell</td>
</tr>
<tr>
<td>Carnahan</td>
</tr>
<tr>
<td>Carper</td>
</tr>
<tr>
<td>Chafee</td>
</tr>
<tr>
<td>Cleland</td>
</tr>
<tr>
<td>Clinton</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Conrad</td>
</tr>
<tr>
<td>Cruz</td>
</tr>
<tr>
<td>Crapo</td>
</tr>
<tr>
<td>Daschle</td>
</tr>
<tr>
<td>Dayton</td>
</tr>
<tr>
<td>DeWine</td>
</tr>
<tr>
<td>Dodd</td>
</tr>
<tr>
<td>Domenici</td>
</tr>
<tr>
<td>Dorgan</td>
</tr>
<tr>
<td>McCain</td>
</tr>
</tbody>
</table>

The joint resolution (H.J. Res. 51) was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to reconsider the vote.

The joint resolution (H.J. Res. 51) was passed.

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

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

UNANIMOUS CONSENT REQUEST—S. 1447

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader. I appreciate the advice we have been given on all sides with regard to how to proceed on airport security bill. It does not know that we have reached a consensus, but I do think it is important for us to procedurally move forward with an expectation that at some point we are going to reach a consensus.

At this point, some unanimous consent that the Senate now proceed to consideration of S. 1447, the aviation security bill.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, first let me say to our colleagues, Senator DASCHLE and I have been talking about this issue, along with antiterrorism, off and on for the last week or 10 days. We are committed to dealing with those two important issues as soon as is humanly possible because we believe, I believe, strongly that aviation security needs to be addressed. The administration has a lot of things it can do and is doing. Secretary Mineta has outlined things he is proposing to do in terms of sky marshals and strengthening the cockpits and a number of areas where they can move forward without additional legislative authority. Some of the things that need to be done will require additional legislative action.

This is one of the two highest priority matters we need to address that would be positive for the American public to feel more secure in flying, get flying back up to where it should be. Along with antiterrorism, which will allow us to have additional authority for our law enforcement people and intelligence to address this threat, it is the highest possible priority.

I agree with Senator DASCHLE that we should find a way to consider aviation security, but there are two or three problems. I am going to be constrained to have to object because there are two or three objections on this side that come from a variety of standpoints at this time.

There is some concern that it did not go through the Commerce Committee for the traditional markup so that other good ideas could be offered, but they could, of course, be offered when the bill is considered. And there are some concerns about the federalization of the screening, the bifurcated arrangement between city and nonurban hubs. Those that are nonurban hubs want to make sure they will not be given second-class service in that area.

There is also a concern about what might be added to this bill from any number of very brilliant Senators, very good ideas that are not relevant at all to this issue.
Mr. LOTT. Mr. President, if I might respond, and then I will yield because I know the chairman and ranking member want to comment, too, I think what Senator DASCHLE is saying is that he would not be able to agree to limit it only to relevant amendments now. We will address this formally here, and that is for us as Senators to focus on aviation security and not put all of our very best ideas on this particular bill. If we could do that, we could complete this legislation tomorrow. We would push this aviation security down tomorrow. Senator HOLLINGS and Senator MCCAIN would be happy. I would like to have a different approach to screening, but I am prepared to debate and vote on that.

If it goes beyond that, the option for ideas—good ideas—and alternatives and unrelated and nonrelevant amendments, it could go on and on. I think maybe we can get this worked out this afternoon. If we do not, it guarantees that instead of being on the counterterrorism legislation on Tuesday, we will be on this, and counterterrorism will be shoved off another day or 2 or 3. That is not disastrous because we want to make sure we do them both right, but for the sake of getting this done, I pledge to my colleagues on both sides of the aisle, let's find a way to agree to do aviation security and to do these other issues that are also important.

Regarding Amtrak, everybody in this Chamber probably knows—and Senator MCCAIN knows it and doesn't like it—I have been a big supporter of Amtrak. I am interested in making sure that it is safe and secure and that we have a viable Amtrak system, but we should not do it on this bill.

So I have to object at this time to the unanimous consent request. I understand Senator DASCHLE will be prepared to offer a motion to proceed and file cloture on that.

Mr. DASCHLE. Mr. President, before I file the cloture motion, let me yield to the distinguished Senator from South Carolina first, and to the Senator from Arizona after that.

Mr. HOLLINGS. I thank the leader. The leaders, in all candor, have worked around the clock to get the disparate interests on this issue together so that we can decide on what we can agree upon rather than what we disagree upon. That is not disastrous because if it is, let me tell you the majority and the minority leaders for their perseverance in helping us get this bill up.

It is fair to say I am as interested in this issue as the previous speakers. We have been working very hard on this issue. We just had a Commerce subcommittee hearing on rail and maritime security all day long yesterday. We are ready to go with the airline security bill. But there are some differences of views; similarly, with respect to the economic stimulus, and also with respect to the unemployment benefits bill. In fact, you can bring this bill up and, unless it is relevant, you
can add Lawrence Welk’s home to this measure, and so forth. We know what the rules of the Senate are. But it is going to be embarrassing if we leave for the weekend having agreed on money, but not on security. We should have put airline security ahead of money to keep the airlines afloat. But the K Street lawyers overwhelmed us. They were down here and we got billions to keep the airlines afloat. But, by gosh, we can’t agree on taking this airline security measure so that we can get it done in business. We intentionally put them out of business by delaying implementation of a meaningful security measure.

We are not having votes on Friday; we are not having votes on Monday. Unless we can get this thing up this afternoon it is not likely to pass before the weekend. Someone commented that when we considered this matter in the Commerce Committee, we started at 9 o’clock and we got through quarter to 7 that evening with only a half hour out. We had a full day’s hearing and unanimously voted this bill out. The bill is flexible. It was mentioned that the Secretary of Transportation was coming over with views from the White House. We are willing to go along with any reasonable compromise from the administration. What we are trying to do is get security right. We are not trying to pass your bill in spite of your bill, or whatever.

We are going to meet at 3 o’clock. I hope the two Senate leaders will try to get together and work out this dispute. Senator MCCAIN has been a leader on this. We have agreed on the details. There are a few little differences. But let’s get together with the leadership and get this measure up so that we can go home this weekend at least having taken care of security, and then we can move forward. We will be concerned about terrorism and unemployment benefits later.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DASCHLE. I still retain the floor for purposes of making a motion, Mr. President. I yield to the Senator from Arizona first.

Mr. McCAIN. Mr. President, I thank Senator HOLLINGS. He has agreed, along with me, that we would oppose any nonrelevant amendments to this legislation. That is an important commitment on the part of Senator HOLLINGS. I know how he feels about Amtrak and about seaport security and a number of other issues. I thank Senator HOLLINGS for that.

Briefly, if we now wait, as Senator HOLLINGS said, until cloture is voted on Friday, and we surely can’t act until Monday, and we are not going to be in on Monday, we are well into next week. Last week, we passed legislation to keep the airlines afloat financially. Millions of Americans still will not fly on airlines because they don’t believe they are safe. That is a fact.

When Americans know that the Congress of the United States has acted in a bipartisan fashion, with the support of the President of the United States, to take measures to ensure their security, that will be the major step in restoring the financial viability not only of the airlines but of America because we are dependent on the air transportation system to have an economy that is viable.

I am happy to say that the airlines are totally supportive of this legislation. They want it enacted right away. They believe it is vital for their future viability.

Finally, the fact that it didn’t go through the Commerce Committee, the chairman and I are not too concerned about that. I think we are fairly well known to be conscious of that. As far as the screening issue is concerned, that is why we have debate and amendments. We will let the majority rule. That is relevant to the bill. Again, about provisions being added, I don’t think any Member of this body is going to try to add an amendment that would be perceived as blocking airline security, perhaps from Massachusetts, who is very concerned about the issue of Amtrak.

I hope the two leaders will continue working together. We will meet with Secretary Mineta and hear for the first time the views of the administration on this issue. I hope that by the end of the meeting we will have an agreement so we can move forward.

Lots of Members are involved in this issue. Lots of Members want to talk about it. Lots of Members are involved in it, so we are going to have a lot of discussion on this issue. The sooner we move forward, the sooner we are going to get it done. As Senator HOLLINGS said, we can get this bill passed by tomorrow afternoon if we all work at it, but if we wait over the weekend, I do not think it is the right signal to send.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE. I yield briefly to the Senator from California.

Mrs. BOXER. Mr. President, I believe as strongly about railroad security and airport security as I do airline security. Therefore, I voted on this bill in particular. To put it in personal terms, every one of those jets that were hijacked were headed to my State with light loads and heavy fuel, and those passengers were sacrificed.

We need to move forward. We need the air marshals. We need the funds to go forward. We need the screeners and everybody else. Even though the bill did not officially go through the committee, I praise Chairman HOLLINGS and ranking member MCCAIN because, in fact, they led that committee through the hearings. I think this bill is a terrific first step. I yield the floor.

The PRESIDING OFFICER. The majority leader.

AVIATION SECURITY ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I move to proceed to the consideration of S. 1447 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security.

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me write to the Senate about airport security. I had the most unique experience earlier today with El Al officials who came to the Committee on Commerce and reviewed in detail their security provisions for Israel’s airline. They have not had a hijacking in the last 20 to 25 years.

I do not want to necessarily single them out other than to say that the officials present included, the regional director for the North America and Central America Israeli Security Agency and the head of the Israeli Security Agency of the Aviation Department. We also had the chief of security for El Al Airlines, and the top captain of El Al Airlines visit with us.

The four gentlemen went through in detail the Israeli airport security program. It was an eye opener for me. I have been working on this issue since the eighties when Pan Am Flight 103 went down over Lockerbie, Scotland. I was insisting then that we have federalization of security at our airports and on our airplanes. I was in the minority.

With respect to TWA Flight 800, in 1996 it was the same, and we had bill upon bill and measure upon measure and study upon study upon training, more this, more that, a particular officer in charge, the Vice President Gore study. None of this made a difference. Of course, the hijackers still flew the planes into buildings in America and killed 6,000 people.

I borrowed this diagram from the Israeli delegation. This particular diagram is entitled “Onion Rings Security Structure.” The security in Israel and El Al Airlines brings into sharp focus that security is not a partial operation. Security is not an effort to bring about a private contract and part governmental. As has been said for years, the primary function of the State government—and a former
distinguished Governor is occupying the Chair—is public education, and the primary function of the National Government is national defense. We have gone now, in a sense, international defense to national defense, home defense. That is our primary function.

There is no difference in safety and security. We would not think for a second of privatizing the air traffic controllers. I agreed with President Reagan. He said: You are not striking; you are not doing the job. We are going to have, in a sense, security and safety flights.

This diagram starts with the outer rim of intelligence. The second rim is in the airport. The third rim is the check-in area. The fourth rim is the departure gate. The fifth ring is cargo, and the next two rings are the airport area and the aircraft itself.

They Israeli officials were asked: How about somebody who vacuum cleaned a plane and then went down between the seats? They have 100-percent security checks. Point: There is no such thing as a low-skilled job in security. As a matter of fact, they periodically rotate security officers to different postings. I found out that when we found out with the Capitol Police that rotations make a difference in the effectiveness of our security personnel. We do not have the Capitol Police sit in the same spot from early morning until their 8 hours are up looking at the screen as the tourists come into the Nation’s Capitol. The officer does that for about 4 hours, and then they swap him off to another post.

The Israeli security officials keep their airport personnel alert, they keep them well paid, they keep them well trained, and they keep them well tested.

The El Al folks were telling me that they make 150 annual security checks at Israel. The El Al folks are telling me that they have 100% security checks. They cannot be made contract employees. They have total security checks. They cannot be made contract employees. "But they do not dilly dally, and everything else of that kind. So they have, take a picture. You have absolute security and therefore absolute trust in the flights on El Al.

You cannot have anything other than that for the U.S. travelers. Specifically, we cannot have the Capitol policemen, who give us security, be private contractors, nor can the Secret Service that President security be private contractors. To put it another way, I am not going to agree to any kind of contract or partial contract or partial supervision over airline security and airport security until they privatize the Secret Service or the Capitol Police, or excuse me, the $3,000 that we have in Immigration and Border Patrol. They are all civil servants.

Nobody says privatize the civilian workers, 666,000 civilian civil service workers in the Department of Defense. I am told that the OMB called over there earlier this year and said we want to start contracting. There is a fetish about contracting out and privatizing and downsizing. That helps us get elected. I am going to get elected. I am going to go and let law enforcement take over. Just like private industry has proven its profitability in downsizing, so I am for downsizing. Those political ideologies have to be dispensed with. As the President has to get a coalition of foreign countries, he has to get a coalition of political interests in country, get us on the right road for the war against terrorism.

They wanted to privatize over at the Defense Department and they said: You are not privatizing anything over here. We are engaged in security. They cannot be made contract employees. They come in, they are incidental to all the information and goings on and get the information. We have to have total security checks, audit them from time to time and everything else. That is the same thing with the airports.

We have made a provision for the smaller airports. They are going to have to have the same kind of security, but they can be hired. There is flexibility given in this particular bill. With that flexibility, we know we can work this out right across the hallowed halls of Washington. We can work it out with the Department of Transportation.

Incidentally, the Deputy Secretary of Transportation in charge of security will not only have this particular security for airlines and airports but for rail transportation, the tunnels, the stations, and for the seaports. That is the way it is in Israel. The Israeli Security Agency intermittently changes around and does different tasks, and everything else like that. So they keep them alert. They keep them well paid, and they do not dilly dally, and everything else of that kind. turnover like we have down at Hartsfield Airport in Atlanta, the busiest airport in the world. There is a 400-percent turnover in security personnel down there. It is between $5.50 and $7.25, the minimum wage. So that has to stop.

We have to have, as has been provided in this particular bill, the marshals. We expand the marshals group. I can say that. I have talked about the airport and the interims, and everything else of that kind.

There was one question I asked when I first met with El Al security. I said: Do any of you all contract? They were just amazed.

They asked: What does he mean by contract?

I said: Private employment or whatever it is.

You would not let controllers quit on you. You cannot let the security people strike on you. They are like the FBI. Do you think we can have the FBI strike on you?

I have 4 more years. Should I sit down and strike? You cannot have a strike of your public employees. That has been cleared in Israel, and everything else of that kind.

The second question I asked, I said it seemed to me once you secured the cockpit, separated it from the cabin and the passengers, once you secured that cockpit and they are never permitted to open that door in flight, then what you really have is the end of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go that, go. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere where they want to accommodate the hijack and get the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

That is the end of the opportunity of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go that, go. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere where they want to accommodate the hijack and get the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

That is the end of the opportunity of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go that, go. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere where they want to accommodate the hijack and get the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

That is the end of the opportunity of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go that, go. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere where they want to accommodate the hijack and get the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

That is the end of the opportunity of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go that, go. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere where they want to accommodate the hijack and get the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

That is the end of the opportunity of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.
cabin and hijack the plane. Of course, they know immediately. They have communications and signals. They know immediately in the cockpit that is what is going on and they land the plane.

I could go on and on. I think what everyone should know is this overwhelming bipartisan majority is ready to pass this bill no later than tomorrow night sometime. We are not having votes on Friday so we cannot get votes on cloture Friday. We are not having votes on Monday, so you cannot get cloture. You have to wait until Tuesday morning. It will be a public embarrassment that we worked patiently with the leadership, and I have commended them both. They have worked around the clock to try to get us together on what we could get together on rather than bringing in all of these amendments. We do not want to send over a bill with all kinds of amendments and then go into a long conference or, generally speaking, a barebones bill for security so that we can get the flying public back on the planes.

If we can do that by late tomorrow night, working with the White House and the leadership who is also in this particular meeting then more power to us. Otherwise, shame on us if we cannot do that. We are behind schedule.

I tried my best to get this particular security measure up before the money bill came up. Everybody was saying we could not put any amendments, we could not even consider security along with the money. We had to wait, although we had an unanimous consent. We did not have that particular consideration.

I thank the distinguished Chair. I thank the leadership for their diligence in trying to work this out so we can proceed to it. There is no question that we can accomplish it.

If we can forgo the cloture motion and agree that nongermane amendments are not allowed, just germane amendments on the bill, we could consider them, vote them, we would be here late this evening and late tomorrow morning and get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I commend the Chairman and ranking member of the Commerce Committee for work on airline safety. I know my friend from South Carolina feels strongly about port safety and rail safety as well.

However, I say to my colleague, who happens to be presiding today and was a former board member of Amtrak, I am, as the saying goes, tired of getting stiffed around here. I have been a Senator for 28 years. I have tried over that 28% years to put Amtrak in a position on Monday that can run safely, securely, and efficiently. I have gotten promise after promise after promise of support and cooperation, and always proceed durably I end up being in a position where Amtrak gets left out.

Let's talk about security for a moment. The Senator from Delaware and I don't have a major airport; we have a large airport but no major commercial carrier. We fly commercially in and out of Philadelphia or Baltimore, sometimes. We know how important air safety is. We know how important to our economy it is. I note, by the way, with all the difficulty, underestimation there is a comprehension on behalf of the American people to get on an airplane, with the necessary cancellations of flights because they don't have enough people flying—there has been standing room only on Amtrak trains, we are putting more and more trains in the northeast corridor, and there is standing room only on most of them.

I ask my friends, parenthetically, what would have happened to our economic system if, in fact, we had no rail service on September 11? You think you have a problem now? You 'ain't' seen nothing yet.

I, along with my colleague from Delaware, and others, went to Amtrak and asked: Have you reviewed your safety plans? They said: Yes, we have. I said: Put together a package for us that lays out in some detail the concerns you have relative to safety, security, and terrorism.

I note parenthetically, I served on the Intelligence Committee for 10 years. I have been chairman of the Judiciary Committee for the better part of a decade. I have been on a terrorism committee or subcommittee since I arrived in the Senate in the 1970s. I will say something presumptuous: No one here knows more about terrorism than I do. I don't know it all, but I have worked my entire career trying to understand the dilemma. I now chair the Foreign Relations Committee. I made a speech literally before this happened at the National Press Club, saying our greatest priority was dealing with terrorism, and laid out in detail what might happen. I am not the only one.

I will make an outrageous statement: My bona fides in knowing as much about what terrorists are doing are, likely to do, and being informed are equal to anyone's on this floor, or who has ever served in the Senate, or who is now serving in the Senate. I don't know anybody who knows more than I do. I am saying what will happen next is not going to be another airline into a building. It will be an Amtrak train. It will be in the Baltimore Tunnel which was built before the Civil War.

Do you realize—my colleague knows this—if you have a Metroliner and an "Am fleet" in that tunnel at one time, you have more people in there than in five packed 747s? Guess what. There is no ventilation in there. None. There is no lighting. There are no fire hoses. I can go on and on and on. In New York City, the Amtrak Penn Station, do you know how many people go through those tunnels, which also have no ventilation, that are underground, and have little or no security? Three hundred and fifty thousand people a day—three hundred and fifty thousand people a day.

As one of my colleagues said in an earlier meeting I had downstairs with those concerned about Amtrak, not the least of whom is my colleague presiding—he said what we are doing on the security and security anxiety is acting after the horse is out of the barn. We are. And we have to. And we should. And I will. But God forbid the horse gets out of another barn.

We have a chance now, not after there is some catastrophe on our passenger rail system—to do something. I remind my colleagues, the First Street tunnel in D.C. runs under the Supreme Court of the United States and runs under the Old Post Office Building. It was built in 1910. There is only one way out: Walk out. No ventilation. Not sufficient lighting, signals, security.

I said in that Press Club speech the day before the airline crashed into the trade towers and brought them down, it is much more likely someone will walk into a subway with a vial of sarin gas than someone sending an ICBM our way. I will repeat that: It is much more likely. Do you think these guys are stupid? Obviously, they are not stupid. They figured out if they added enough jet fuel to two of the most magnificent buildings man ever created, they could create enough heat to melt the beams and crush the building. Do you think these same folks have not sat down and figured out our vulnerabilities?

Everybody is worried about our water system, a legitimate thing to worry about. We can monitor the water system before it gets to your tap. What do you monitor in tunnels, 6 of them, that have 350,000 people a day going through them, in little cars, with no way to get out, underground?

My heart bleeds for my friends who tell me to be concerned about their airports. I am concerned about them. When are people going to be concerned? We have 500 people, as my colleagues knows, on an Amfleet train. I think that is about two 757s. I don't know that for a fact. That is one train.

A lot of our colleagues rode up to New York City on Amtrak, because they couldn't fly, to observe the devastation and hope they are sitting in the tunnel, that in one case, over 141 years old, there was more than one train in that tunnel. Two of these tunnels run under the Baltimore harbor.

So last night our staffs got together. By the way, all those concerned about Amtrak safety are equally concerned about airline safety, and, I might add, port safety. Do you know how many cargo containers come into the port of Philadelphia or even the little port of Wilmington? Probably the only man who knows that is my colleague presiding, the former Governor.
My Lord. So we sat down last night. We thought we had a reasonable dis-
sussion, all those parties interested. We got a commitment. OK, we will bring
up port safety and Amtrak safety measures and we will guarantee, to use
the Senate jargon, a vehicle. In other words, we will do it on our dime. But
we know is not going to get killed, like they kill everything else that has to do
with Amtrak.

So I said OK, I will not introduce this amendment on the airline bill. I will
not do that.

By the way, I want to make it clear I got full support from the chairman of
the committee. He supports our effort.

So I came in this morning, about to go out, take my committee down to
meet with the Secretary of State for a 2-hour lunch to go over these terrorist
issues—not about Amtrak but about Afghanistan and the surrounding
area—and as I am leaving I find out through my staff member who handles this
case: Guess what. We really have no deal.

So I call the leadership. The leadership

says: Joe, we cannot guarantee you
can get this up.

Now I gather up the Members of the Senate who have a great concern about
the safety issues relating to Amtrak and some say: Joe, will you dare
hold up the airline bill? Would you dare do
that?

My response is: Would they dare not
take on our amendment? Would they
dare not take on our amendment, after
being told—which I will be telling my
colleagues about for the next several
hours, although I am not going to

speak that long now. I say to my
friend from Missouri, so he can speak—would
they dare take the chance of not help-
ing us? Will they dare? Will my col-
leagues dare to take the chance that
they are going to let another horse out
of the barn this time? Will they dare?

This is serious business. This is busi-
ness as serious as I have ever been en-

gaged in as a U.S. Senator. If I act as
if I am angry, it is because I am.
Not only angry, I am really disappointed. I
would have thought in this moment
when we are embracing each other in
the sense that we are helping each of
our regions deal with their serious
problems—I was so, so, so overjoyed;

having been here for the bailout of New
York City in the 1970s, I was so grati-

fied to see my friends from the South
and the Midwest and the Northwest
come to New York’s aid instantan-
eously. I said, my God, this is really a
difference. It is really a change in atti-
dude because America has been struck.

We come to the floor with an amend-
ment that does two things: One, pro-

vides for more police, more lighting,
more fencing, more cameras, et cetera,
and provides for us to take equipment
out of storage and refurbish it so we
can handle all those passengers who are still flying. They do not have the re-
sponse? Either “No” or “Another day, Senator.” I have had it up to here with
another day.

As I said, and I will have a lot more
to say about this in the next couple of
days, there are six tunnels in New
York, 350,000 people per day locked in-
side a steel case called a car, going
through those tunnels. Those tunnels
have insufficient lighting. They were
built in the 1870s, just after—the term
is one of the 150-year tunnel. They do not
have the proper signaling for emergencies. They do not have the proper ventilation.

They do not have the proper safety in
terms of guards.

You are telling about air marshals
on an airplane with as few as 50 people
on it. I am for that. And you are telling me
you are not going to give me the equiva-

lent of an air marshal at either end of a
tunnel that has 350,000 people going through it? Where is your

shame?

The Baltimore tunnel was built in
1870, just after—I said “before” and I
misspoke—just after the Civil War. By
the way, you would not be able to build
today to make sure that is clear to everybody. Under

EPA construction standards, you could
build these tunnels. They would not allow it to be done just for normal

safety reasons.

I have been crying about this for the
last 15 years, about just normal safety
problems—not terrorists, just a fire in
the tunnel as you had in Baltimore.

All of you who live, love, and work in
Washington, there is a tunnel that Amtrak
trains, MARC trains and other trains come through in DC. It is called
the First Street tunnel in DC. It was

built in 1910. All you need is one
Amfleet train in there and one M
diagliner in there—and there are

more than two at a time—and you have
over 800 people locked in a steel can-
ister in a tunnel that was built in 1910,
that sits directly underneath the Su-

preme Court of the United States of
America and the Old Building.

I am not suggesting I know his posi-
tion, but I suspect his reaction if I told
my friend from Missouri, St. Louis;

Guess what. I am not going to spend
Delaware money making sure there are

guards or anything at the St. Louis
Airport. I am not going to do it.

You are on your own, Sucker. I am not
going to do that. I am not going to beef
up security.

We can get on an Amtrak train with
a bomb. No one checks. There are no
detectors to go through to get on a
train. There are no security measures.

We do not even have enough Amtrak
police for the cars.

If I said to my friends in St. Louis
and Philadelphia and Seattle and At-

lanta and Miami—we use the same
standard for the airlines. Under ordi-

nary circumstances, you might be able
to say to me, it is too expensive. You
just have to take your chances.

We have the Attorney General saying
to people that there is more to come.
How many of my colleagues out here
have said: “It is not only if but when
the next biological or chemical attack
takes place”?

If you are going to have a biological
or chemical attack, in case you haven’t

figured it out, the more confined the
space, the more devastating the dam-
age.

Like I said, I will come back to speak
to this. What we are asking for is light-
ning, fencing, access controls for tun-
nels, bridges and other facilities, sat-
ellite communications on trains, re-

motely stopping, and hiring of po-
lice and security officers. That adds up
to $15 million, and it doesn’t even do
it all. Tunnel safety, rehabilitating ex-
isting tunnels in Baltimore and Wash-
ington and completing the entire life

safety system of New York tunnels,
that is $998 million.

The total security all by itself is
$1,513 billion. That does not deal with
the capacity on bridges and tracks to
account for the 20 percent increase in
ridership because the airlines aren’t
moving, or the equipment capacity to
be able to carry these people safely—
just the safety of the cars themselves.

I tell you what. We all stood up here
and said, for our region, and their
executives the other day to the tune of
—I forget the number—$15 billion, and
we did it in a heartbeat or, as they
say, in a New York minute.

And we cannot even now come along and deal in this bill with the airlines and the
airlines. But that is another fight.

Here we are with this simple, straightfor-
ward request. This isn’t a 1-

year undertaking. This is a permanent

investment.

Unless all of you are so sure that
there is no more terrorist activity un-
derway, unless all of you are so sure
that in case it is—it is the way, we carry
in the Northeast more passengers than
every single plane that lands on the

First Coast in a day. Have you got that?
This is not fair. This is not smart. It is

not right to block our ability to have a
guarantee that the Nation and the Con-
gress speak on this issue.

As I said, it is a little like preaching
to the choir. I know my colleague from
Delaware, as the old saying goes, has

forgotten more about the details of Amtrak, having been a board member,
more than I know, having used it for 28
years. But I sincerely hope there is a
change of heart. I don’t want to slow
up the passing of the airplane safety
bill. I just want the people of my State
to know that the people of my region
are going to be treated as fairly as ev-
erybody else. Give them a basic shot at

security—just a basic shot at security.

I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Missouri.

Mr. BOND. Mr. President, I thank

you very much. I appreciate the kind-
ness of my colleague from Delaware for
yielding the floor.

This subject is at the top of every-

one’s mind—the impact of terrorism
and the threat of future terrorism. We
are going to be talking about security
and security in all forms of transpor-
tation. That is.

I want to mention the economic re-
covery that is absolutely essential be-
cause we know that terrorists cannot
win. Even though they committed a dastardly act and killed over 6,000 people and destroyed major economic and military landmarks, they cannot win if they do not destroy our economy and cripple us psychologically.

Today I introduce a measure to help in the economic recovery for the small businesses in the United States, a bill called the Small Business Leads to Economic Recovery Act of 2001. It is a comprehensive economic stimulus package for the Nation's small businesses and self-employed entrepreneurs.

The Small Business Administration tells us that some 14,000 small businesses are in the disaster area in New York alone. They have been directly affected by this tragedy. But the economic impact doesn't stop with those businesses. For months, small enterprises and self-employed individuals have been struggling with the slowing economy. The dastardly terrorist attacks make their situation even more dire.

As ranking member on the Small Business Committee, on a daily basis I hear pleas for help from small businesses in my State of Missouri and across the country. Small restaurants and businesses have lost much of their business because of a fall-off in business travel. Local flight schools have been grounded as a result of the response to the terrorist attacks. Main street retailers are struggling to survive.

I think we should act and act soon. That is why I introduced this bill to increase access to capital, to provide tax relief and investment incentives, and to assure that when the Federal Government goes shopping for badly needed services, they will shop with small business in America.

The SBA existing Disaster Loan Program was not designed to meet the extraordinary obstacles facing small business following the September 11 attacks. It could be a year or more before they can reopen. Small businesses throughout the United States have shut down as a result of security concerns. General aviation aircraft remain grounded, closing flight schools and other small businesses depending on aircraft.

My bill would allow these small businesses to defer for 2 years the repayment of principal and interest on these SBA disaster relief loans, and accrued interest will be forgiven. Many small businesses are experiencing serious economic problems because their businesses have been in a sharp decline since September 11. We need to help these businesses with cashflow or working capital so their businesses can return to normal.

We would establish a special loan program for allowing small businesses to cope by lowering the interest to prime plus 1, with no upfront guarantee fees. The SBA will guarantee 95 percent of the loan.

Banks would be able to defer principal payments up to 1 year.

For general economic recovery, small businesses would benefit from an enhancement of the existing 7(a) Guaranteed Business Loan Program to make those loans more affordable.

No guaranteed fees would be paid by small businesses. The SBA guarantees would be increased from 80 percent to 90 percent for loans up to $150,000 and from 75 percent to 85 percent for loans greater than $150,000.

I will be cosponsoring with Senator KERRY, the Chairman of the committee, a measure that will help deal with these key ingredients for assuring access to capital for small business.

In addition, under the Debenture Small Business Investment Company Program, pension funds cannot invest in small business investment companies without incurring unrelated business taxable income.

Most pension funds can't invest—eliminating 60 percent of private capital potential. My bill corrects this problem by excluding Government-guaranteed capital borrowed by debenture SBICs from debt for the Unrelated Business Tax Income rules.

On small business tax relief, we would increase the amount of new equipment businesses could expense to $100,000 per year, allowing small businesses that do not qualify for expensing to depreciate computer equipment and software over 2 years.

These will be significant enhancements to the current SBIC.

We increase the depreciation limitation on business vehicles to ease cashflow problems for small businesses and help stimulate automotive industry recovery.

We would allow the deduction for business meals back up to 100 percent to get people to take lunches at restaurants which are struggling. The restaurant industry lost 60,000 jobs in September. We need to get restaurants back on their feet to return to work.

We would repeal the alternative minimum tax on individuals and expand the AMT exemption for small corporations to leave more earnings in the pockets of small businesses to reinvest for long-term growth and job creation.

These items will give a significant boost to small business, which has been and is the driving force in our economy.

Finally, when the Federal Government goes out shopping, we want to make sure it shops with the small businesses in America. Currently the Brooks Act prohibits small business set-asides for architectural and engineering contracts above $85,000, a figure set in 1982. My bill would raise that ceiling to $300,000.

The policy of the Federal Government that contracts valued at less than $100,000 be reserved for small businesses would be adopted for the General Services Administration. For contracts not on the Federal Supply Schedule, they would be reserved for and limited to small businesses registered with the SBA.

My bill would remove the ceiling on sole-sourcing contracting under the HUBZone and 8(a) Programs to permit larger contracts to be awarded quickly to small businesses capable of providing postdisaster goods and services.

I think this measure would help get small businesses' engines—the engine that drives our economy that will help lead us out of the economic stagnation we face as a result of these dastardly terrorist attacks.

I invite my colleagues to join with me to contact my small business staff and let me know if they have questions. I urge them to join with me in sponsoring this badly needed stimulus package for small businesses.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is a bit disappointing that this afternoon we had to file a cloture motion in order for the Senate to consider a piece of legislation dealing with airport and airline security in this country.

All Americans understand that on September 11, when hijackers hijacked four commercial airlines and used fully fueled commercial airliners to kill thousands of Americans using those commercial airliners as guided missiles—bombs, with substantial amounts of fuel to kill thousands of innocent Americans—everyone understands that from that moment forward, when the airlines were shut down—all of them were grounded, and then, following that grounding, the airlines began to ramp back up and provide some additional passenger service once again—that the American people are concerned, and have been concerned about safety.

So the Congress began working on this question of, How do we prevent this from ever happening again? How do we promote and develop the safety and security that the American public wants with respect to air travel? How do we give the American people the confidence that getting on an airplane and using that commercial airliner for travel around the country is safe and secure for them?

We do that in the following ways: The Congress writes a piece of legislation, as we have done in the Senate in...
of legislation that takes the steps nec-

essary to give the American people con-

fidence that this system of air trav-

el is safe and secure.

Here is what we do: We change the

screening at airports, the baggage

searching, the checking, change it

in a very significant way. Federal

standards: In the largest airports, Fed-

eral workers; in the smaller airports,

law enforcement, repaid by the Federal

Government standards with respect to all baggage screening;

law enforcement capabilities with Fed-

eral standards with respect to guarding

the perimeter of airports; sky marshals

that will be used extensively on air-

plane flights. This plane flights, the

hardening of cockpits so potential

skyjackers cannot get through the

cockpit doors.

All of these issues—screening, sky

marshals, perimeter security, baggage

searching, checking, and more, including an Assistant Secretary

of Transportation, whose sole responsi-

bility will be to make sure that we take

the measures necessary to assure

safety on America’s commercial airline

services. We have designed to do that

to the American people: You can have

confidence in America’s air serv-

ice. What happened on September 11 is

not going to happen again. These secu-

rity measures are designed to prevent

hijackings because they are designed to

prevent hijackers from ever boarding

an airplane again in this country.

Those things are necessary to give

the American people confidence about

the safety of their air travel. And it is

necessary to do them not later, not 2 weeks from now, or a

month from now, or next year—it is

necessary to take this action now.

This Senate ought to take action

now on this issue of airport security.

We ought not have to file cloture on a

bill like this, not a bill that is so im-

portant to this country. A piece of leg-

islation this important ought not have

to have a cloture motion filed on it. Let’s do this. We know it needs to be done. We

know it is important for America.

Let’s do it.

It doesn’t mean there aren’t better

ideas that can come to bear on this leg-

islation. But we ought to have it on the

floor and debate it, have people offer

amendments, if they choose—if they

believe we ought to hold up the airport

security bill for it because there are real security

issues, as evidenced by the comments

just addressed to the Senate by my col-

league from Delaware—real security

issues. But even more than that, more

than the security issues—or at least as

important as the security issues—we

need to make the investment in Am-

trak so that all across this country,

and especially in the Eastern corridor,

we have first-class rail service up and

down that corridor that will allow us
to take a substantial quantity—up to

30 or 40 percent—of those commuter

flights off the Eastern corridor out of

the air, and move those people by rail.

It makes much more sense to do that.

Yet we have people in this Chamber

who somehow do not want to continue

rail passenger service in our country.

Rail passenger service is important. I
do not believe, however, those who sup-
port it, which includes myself—I do not
believe we ought to hold up the airport

security bill because of our concern about Amtrak. I say, do this bill—do it

now—and next week let’s come back

dot that Amtrak security bill. I be-

lieve we can do that.

I believe there will be 60 votes in sup-
port of the motion to proceed. If we
have to break a filibuster, I believe we
will have 60 votes to do that with re-
spect to Amtrak. And, as I said, I do
not take a back seat to anyone in my
support of rail passenger service in this
country. It is important and criti-
cally important, and we ought to mani-
fest that importance in what we do in the
Senate. We ought not be afraid of a
vote. Let’s fight that issue, but let’s not do it by holding up an airport security bill. That is not the right thing to do and it is not the fair thing for the American people.

There is one other thing we have to do. We have to help the American people. Yes, let’s provide extended unemployment compensation for those people who have lost their jobs as a result of direct Federal intervention in their industry. That list is an extended list. But the thing wrong with this country saying: During tough times, we are here to help.

Incidentally, when we have an economy that has been as soft as ours has been and has taken the kind of hit our economy took, we better be prepared to take some bold action to help companies and people, to help them up and say: We want to give you some lift.

With respect to that last point, we also not only need to do the issue of airport security, extended unemployment, and Amtrak, we also need to do an economic stimulus package. I want to talk about that for a moment.

If we are going to make a mistake in this respect to this economy, I want us to make a mistake of doing something rather than doing nothing. I don’t want us to sit around with our hands in our suspenders and talk about what would have or should have been. I want us to take aggressive action to say: We understand this economy is in peril. We have watched the Asian economies. We have seen the Japanese economy stall for 10 years. This country needs a vibrant, growing economy. And going into September 11, it had fallen off a shelf of some type early, about a year ago, maybe 9 months ago. We were in very serious difficulty.

The Federal Reserve Board was cutting interest rates furiously to try to recover and provide lift to this economy. That has not provided the lift—at least not the lift they certainly would have wanted. The September 11 event cuts a huge hole in this economy. What to do next?

First of all, let’s all admit we don’t understand this economy. It is a new, different, and global economy. It is a fact that we have economic stabilizers that we have not previously had. In the last 20 and 30 years we have put in economic stabilizers that provide more stability with respect to movements up and down.

It is also true that the stabilizers have not and could not replace the business cycle, the cycle of inevitable contraction and expansion in the economy. We were on the contraction side of that cycle going into September 11. And then the tomato was torn into our country’s economy by the tragic events committed by terrorists.

What to do now? First, let’s try to understand what the consequences of this might be. Almost all of us understand the consequences are dire for our economy. We must restore confidence in the American people about their economic future.

How do we do that? The only remedy that we understand and know is a remedy in which we try to stimulate the economy with fiscal policy to complement what the Fed is doing in monetary policy.

Senator Daschle and I, in my role as chairman of Democratic Policy Committee, wrote to 11 of the leading economic thinkers in America—some in the private sector, some in the public sector—Nobel laureates, among others. We asked them the following questions last week. We sent them there third question: Should be an economic stimulus package? If not, why not? And if you do, what should that stimulus package be?

These leading economists were good enough to turn around a paper in most cases two pages of their analysis, within a matter of 4 or 5 days. I have compiled and given to every Member of the Senate a special report from the Democratic Policy Committee regarding eleven leading economic thinkers on whether we should pass a stimulus package. I hope all of my colleagues will read this.

Every single one, with one exception, of the leading economists in this country have written an analysis for us telling us they believe we should pass some kind of economic stimulus package. Most of them say it ought to be temporary. Most of them say we should be somewhat cautious that we not do the wrong thing here. But they have recommended by believe we should enact a stimulus package that tries to provide lift and opportunity to the American economy.

The easiest thing in the world for the Congress to do at this point would be just to sit around and ruminate, which we do really well, and muse and debate and talk and end up doing nothing. Why? Because we have all kinds of fiscal issues. We have an economy that has slowed down. We don’t have the revenue coming in. We have huge bills piling up.

What is the solution to that? Just swallow your tobacco juice and sit around and do nothing? It was Will Rogers who once said this about tobacco: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times. Well, we don’t have anyplace left at this moment. We have to decide that we are going to take action and we are going to have to change with the times.

The times are better for this country on September 11. This country took a huge hit to its economy. In addition to that, of course, the tragedy is immeasurable in terms of the cost of human life. But as we now try to pick up the pieces, one of the wonderful things about the American spirit is, we are doers. We are a country of action.

If you look at a couple hundred years of economic history in America—I have studied some, and I have taught some—you see a country that is intent on creating an economy that is in its own image, in its own desire, by taking action rather than waiting for things to happen. It is not a market system that needs no nurturing. It is a market system that from time to time needs some help to move along.

If ever this economy needs some help from this Congress and from the Fed around at this time and in this place and not be bold.

I am hoping my colleagues will take a look at this special report that has some of the best analysis in it that we can find. It is very unusual to be able to write Nobel laureates and top economists in this country, from Goldman Sachs and Brookings and Princeton, Massachusetts Institute of Technology and Yale, people who we know and have studied for years, the great thinkers in this country, and ask them whether Congress should enact a stimulus package. It is an opportunity that is extraordinary to be able to come here and to offer this analysis to the Senators who are interested in fiscal policy.

That is where we are. We find ourselves at the moment unable to move on airport security. That is a profound disappointment. Apparently, we have filed a cloture petition. I hope we will rethink that today.

We must, in addition to getting airport security as quick as we can, then also do something with respect to extended unemployment benefits. I believe next week we also ought to go to the Amtrak issue. I am fully supportive of that. We ought to decide very quickly to join with the President and Members of Congress and enact a stimulus package that will provide lift and some assistance to the American economy.

I yield the floor and suggest the absence of a quorum.

Mr. CLELAND. Without objection, it is so ordered.

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

Mr. CLELAND. Mr. President, I second the remarks of the distinguished Senator from North Dakota. I thank him for his insight into the economy and for his desire to get this legislative body moving.

I will quote from a distinguished author, Charles Dickens, who said:

It was the best of times, it was the worst of times. It was the age of wisdom, it was the age of foolishness. It was the epoch of belief, it was the epoch of incredulity. It was the season of light, it was the season of darkness. It was the spring of hope, it was the winter of despair.

That introduction to “A Tale of Two Cities” written by Dickens is apropos of the time we have at hand. Dickens’ words speak to us today as we try to
make sense of the events of September 11 because, though the darkness and despair were all too readily apparent, I believe we can actually see wisdom and light and hope as this great Nation moves forward in unity and resolve.

It is nonetheless true that our country is no more vulnerable to terrorist assault now than it was on September 10. It just feels that way. With the heightened attention to this threat, I would contend that the vulnerability is real but not that it is actual before, but that is certainly no guarantee against future attacks.

While the September 11 acts of terror demonstrate all too vividly the depth of inhumanity that some human beings are capable of, the response in the United States and around the world has conclusively proved that for most people, it is, in Lincoln’s words, “the better angels of our nature” which ultimately prevail.

While in our lifetimes have we seen the selfless men and women who serve as police and firefighters extolled above athletes and rock stars? When have we seen cynicism and apathy largely vanish from our public airwaves? When have we seen such sustained attention at home and abroad to the unity of purpose in the international community? Not in my lifetime, Mr. President.

The current challenge facing our country and the entire civilized world is indeed a crisis, but I contend it is not a crisis in the way the Chinese understand the word—one word, one phrase, one character, meaning danger; but the other character meaning opportunity. The Chinese write the word “crisis” in two characters, Mr. President, not one: danger and opportunity. We have before us both.

For some time, I have been planning to come to the Senate floor to mark the first anniversary of the completion of an effort I undertook last year with my distinguished friend and colleague, the distinguished Senator from Kansas, PAT ROBERTS. Over the course of last year—completed on October 3—Senator Roberts and I conducted a series of bipartisan dialogues on the global role of the United States in the post-cold-war era. That sounds somewhat esoteric in light of the attacks on our country on September 11, but our purpose then was to draw attention to this important topic which I believe helped bring about last year with my distinguished friend and colleague, the distinguished Senator from Kansas, PAT ROBERTS. Over the course of last year—completed on October 3—Senator Roberts and I conducted a series of bipartisan dialogues on the global role of the United States in the post-cold-war era. That sounds somewhat esoteric in light of the attacks on our country on September 11, but our purpose then was to draw attention to this important topic which I believe helped bring about last year with my distinguished friend and colleague, the distinguished Senator from Kansas, PAT ROBERTS.

The President and the Congress need to urgently address the fundamental policy ends and means, and between commitments and our forces, by determining the most appropriate instrument—diplomatic, military, et cetera—for securing policy objectives; reviewing carefully all government departments, especially those involving troop deployment to ensure clarity of objectives, and the presence of an exit strategy. That is something we ought to keep in mind in this war, too. Increasingly, the relatively small amount of resources devoted to the key instruments for securing national interests, including our Armed Forces, which need to be reformed to meet the requirements of the 21st century, diplomatic forces, foreign assistance, United Nations peacekeeping operations, which also need to be reformed to become much more effective, and key regional organizations.

We are the only global superpower, and in order to avoid stimulating the very threat the American coalition of other nations against us, the United States should and can afford to forego unilateral actions, except where our vital interests are involved. One of the things I am encouraged about now, is our unilateralist tendencies have been swept up in an agreement among civilized nations to support us in our war on terrorism. That is a very comforting thought.

One of the things that helps us along these lines is the agreement the United States should pay its international debts, and we agreed to do so. We also must continue to respect and honor our international commitments and not abdicate our global leadership role. Finally, the United States must avoid unilateral economic and trade sanctions. I think in the wake of the attack on our country, we have lifted some of these restrictions, especially against India and Pakistan.

With respect to multilateral organizations, the United States should more carefully consider NATO’s new Strategic Concept and the future direction of this, our most important international commitment. We need to press for reform of the peacekeeping operations and decisionmaking processes of the U.N. and Security Council.

We need to fully strengthen the capabilities of regional organizations, such as the European Union, the Organization for Security and Cooperation in Europe, the OAS, the Organization for African Unity, and the Organization of Southeast Asian Nations, and so on, to deal with threats to regional security. We need to promote a thorough debate and developed international standards for interventions within sovereign states.

In the post-cold-war world, the United States should adopt a policy of realistic restraint with respect to the use of U.S. military forces in situations other than those involving the defense of vital national interests.

We crossed that threshold on September 11. Responding to the terrorist attack is in our vital national interests, and we ought to use military force to do that. As a matter of fact, this Congress authorized the President to use all necessary force to go after those who came after us on September 11.

In all other situations, we must insist on well-defined political objectives. As a matter of fact, it is not a bad idea in this particular war either. We must determine whether nonmilitary means will be effective and, if so, seek the legal basis for our unilateral actions. As a matter of fact, it is not a bad idea in this particular war either. We must determine whether nonmilitary means will be effective and, if so, seek the legal basis for our unilateral actions. As a matter of fact, it is not a bad idea in this particular war either. We must determine whether nonmilitary means will be effective and, if so, seek the legal basis for our unilateral actions.

We should ascertain whether military means can achieve the political objectives. Sometimes military means cannot attain a political objective. We ought to be aware of that. We need to determine whether the benefits outweigh the costs—in other words, whether the cost of military engagement is worth the benefits. We must determine whether the benefits outweigh the costs—in other words, whether the cost of military engagement is worth the benefits. We must determine whether the benefits outweigh the costs—in other words, whether the cost of military engagement is worth the benefits. We must determine whether the benefits outweigh the costs—in other words, whether the cost of military engagement is worth the benefits.

The United States can and must continue to exercise international leadership, while following a policy of realistic restraint in the use of military force. We must pursue policies that promote a strong and growing economy, which is actually, as we now see, the essential underpinning of any nation’s strength.

We must maintain superior, ready, and mobile Armed Forces capable of rapidly responding to threats to our national interest. My goodness, do we ever see the need for that since September 11. We must strengthen the nonmilitary tools as well. We must
make a long-term commitment to promoting democracy abroad via a comprehensive, sustained program which makes a realistic assessment of the capabilities of such a program. Obviously, much has changed since Senator Robertson submitted his list last year, but I think the fundamentals remain the same. If anything, the events of September 11 have underscored several of the points we were trying to make.

First, foreign policy matters. American leadership and engagement in the world make a real difference to our security here at home.

I remember having lunch with Tom Friedman, the best selling book. He said, "Without America on duty, there would be no America on line."

We forget that our first line of defense in so many ways is America on duty. So foreign policy matters.

Secretary of State Powell has done an awesome job, along with the President, and Secretary Rumsfeld, in arraying the national community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice. It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to use the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice.

It is very clear now, if it was doubted before, that these events could not succeed without this multinational cooperation.
House, and send it to the President, the American people will begin to see that there is a heightened awareness of the need for security, and they will see the beginning of the implementation of the plans to do more at our airports.

I want to thank all of those who are working on it, Senator MCCAIN and I on our side, Senator HOLLINGS and Senator ROCKEFELLER on the Democratic side. We are working very well together. We had a meeting with the Secretary of Transportation, talking about the future, and we agree, which is 90 percent of the bill we would have before us.

I think we need to go to the bill. Let Congress work its will. Other Members have some very good ideas. We need to start talking about them. I do not think we should waste this valuable time.

The President has said, and Congress has agreed, there are certain things we must do quickly. We certainly took quick action to shore up and stabilize the airlines. We have done that. We now need to give our law enforcement agencies the ability to gather intelligence.

Our FBI is doing an incredible job of finding all of the tentacles of these terrorist cells, but we need to give them the tools they need to continue that investigation and to find out where these people are in our country or in other countries that would affect our own security.

We need to act quickly on that antiterrorism bill. We need to act quickly on the aviation security bill. These are the priorities the President has set, and we need to go forward and address those. We are wasting time by not going to this bill, and I urge my colleagues to work out the differences. Do not require us to have extraneous amendments. Let us get on the bill. Let us have amendments that are germane to the bill and go forward in the same legislation, talk about Amtrak, which is related.

But the other part of it is the employees. I say to the Presiding Officer, I don’t know if I will feel empty, depressed, or just furious and angry, to go back home this weekend to see some of those same employees who are going to be saying: Why? Why? Why the delay? Why can’t you help us?

That is what I say to some of my colleagues. What is going on here? In all due respect, this should be a no-brainer. We should have the airline safety bill out. We have amendments; people can vote for or against the amendments. But it is not business as usual. This is not a business-as-usual time. This is not a typical time in our country.

I say to Senators, I know if you are thinking: In all due respect, Paul, don’t be gratuitous; it is not like anything needs to tell us what happened to our country on September 11 and the murder of so many people.

I get the impression that maybe on the economic hard times and what has happened to people in their own lives here on the economic security part, there are a number of Senators who I don’t think get it. They don’t get it.

I have not had a chance to talk to the majority leader. I assume we will finish closure, have a vote on this issue. If people don’t want to vote for assistance for the aviation employees, let them vote no. I think it would be pretty hard to sleep if you were to cast such a vote.

I say to the Presiding Officer, I remember 4 or 5 days after September 11. I was coming back here and talking to some of the employees and saying, hello, how are you, to a woman while checking in; the woman said: All right; I’m happy in the United family. I knew she would be out of work. My first reaction was: Why wouldn’t you be focused on September 11 and the slaughter of people in the country? Then I said to Sheila: Wait a minute; she was not wrong to react that way. She had to be concerned about what would happen to her and her family. She knew she would be out of work.

These workers are asking us for help. I would like to smoke out Senators, have Senators over the next 2 days come out here and debate and tell us why you don’t want to support an amendment, if that is the case.

I have to make this distinction. I can come and say: Senators saying: Well, all of you are not me. Paul, over the years, it is not like you haven’t come out here and slowed things up and used your leverage.

I understand that. Frankly, I don’t know what the cause is here. Maybe I
am just being self-righteous. I don’t, frankly, know what the cause is. If the cause is, as I suspect, there are some Senators who don’t want to see this package go through, then I say, just come on out here and “have at it,” make your arguments, and let’s vote. We are not going on in terms of unity and Members of both parties feeling so strongly about what happened. All of us, I think, have a lot of concerns. It is hard not to every day worry about what next not to worry about? What kind of action are we going to take? What kind of military action? What will be the reaction? Will we be successful? Will we be able to hold the people who committed this act of murder accountable? Can we minimize the loss of life of helpless civilians? I pray so. What will happen in Pakistan? What about other Middle East countries? What about our own country? Will there be other attacks? Will our people be protected? What is happening to the economy? The truth is, we should, by tonight, be near getting this bill done, and then we have to put together another economic stimulus package. I do not know, but I think maybe our party, I say to the Presiding Officer, is a little bit too timid. I think we have to put together a significant stimulus package. I think part of it can be tax rebates, especially for the people who pay the Social Security tax who did not get any help, they need it, that is the hands of people who are going to go out and spend it—do it. We should be extending the unemployment insurance, the health care benefits as well, and definitely help small business. There is no doubt in my mind that a lot of small businesses are really taking it on the chin.

There are child care expenses. There is affordable housing. There are some things we can do that are like a marriage. There is some money inadequate housing. I have my own ideas. I will not go through specifics today. I think I will tomorrow. Rebuilding crumbling schools—all of it has immense potential. And, frankly, we have to get onto that as well. There is a whole lot we need to do, and the sooner the better. I guess I think the unity can apply to a lot of the challenges ahead. But I just find this refusing to proceed—maybe I am just one of those people where Monday we were supposed to deal with the mental health bill, not an unimportant piece of legislation. I am not going to try to mix agendas. I will just say again the mental health equitable treatment legislation is bipartisan. There have been fortunate enough to be joined on this effort with Senator DOMENICI. There are 65 supporting Senators. We could have done it in several hours with debate on amendments. It was blocked. By the way, there are going to be huge mental health issues, lots of struggles for families. Nobody should doubt that.

I have done a lot of work with Vietnam vets with PTSD. I have seen it. There is going to be so much of that. And the fact is, once you say you have to provide the same coverage for people dealing with this illness as with that, then you have the cash following the money. Then you get some good care out of this. That was blocked. I have been trying to get to some legislation that passed the House unanimously. But there is not anything I care more about. It is for families dealing with a disease called Duchenne’s disease. Senator COCHRAN has been helping on it. It is muscular dystrophy for children, little boys, a problem with a recessive gene. It is Lou Gehrig’s disease, and for these little children there is no hope; there is no future. It is a very cruel disease. If you know Lou Gehrig’s disease. It takes everything away from these children and their families.

These families, they are so young when you meet them and the children are so young and they are just trying to get some focus in the Centers for Disease Control, NIH, some centers for excellence. We must support. My understanding is, again, some Senators do not want to let that go through on unanimous consent.

There are things we can do that are good things for people that should not be that controversial, that we should be able to do. Maybe part of what I am doing today is just expressing my overall frustration. But I will say again, there is no more important piece of legislation than this aviation safety bill.

I think the Presiding Officer, his suggestions about having the Guard involved and giving some people reassurance—the President is taking that up. I think that ties in to another issue the Presiding Officer has worked on and been very outspoken on, directly correlated to whether or not we are going to keep the IDEA program mandatory funding and fund it or get the money for title 1. There are things we can do now, colleagues, that will help people.

I will finish this way: The two things that have most inspired me, if that word can be used, given what we have been through as a nation, the wisdom of people in Minnesota and around the country who were not—I said this to Secretary of State Powell, and I think everybody would agree—the people are not impatient. They are not bellicose. They are not saying “Bomb away.” People are very well aware of how difficult this will be. They want to have it done in the right way. They want it to be consistent with our values. They do not want to see some kind of military action that will lead to massive loss of innocent civilians.

They want to deal with the humanitarian crisis in Afghanistan. They don’t want people to be starving to death, people who have nothing to do with the Taliban and nothing to do with terrorism. And the other thing is I think a lot of what I would call “people values” have come out. I don’t know if I can remember another time in my adult life where I have seen more people involved in helping other people. Part of it, of course, is to help all the people who have lost loved ones in New York and those lost on the plane that
October 3, 2001

CONGRESSIONAL RECORD — SENATE

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICIAL (Mr. Nelson of Florida). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I want to make some brief remarks about our progress, or lack of progress, on airport security, which is a very important and vital issue.

We had a good meeting with the Secretary of Transportation, Norman Mineta, and I think we are defining some of our differences, as well as areas of agreement. I am hopeful that we can negotiate out those differences. We need to move forward with this legislation and not have a single amendment debated or proposed. We have not moved to the bill. We need to move to this legislation.

Last week, with a degree of bipartisanship, as you will recall, this body passed legislation to take care of the financial difficulties that airlines are experiencing and have experienced as a result of the terrorist attacks. Now we need to restore the confidence of the American people in their ability to fly their families and others who have suffered because of the airline shutdown, those people and others who have suffered because of the terrorist attacks. Now we need to restore the confidence of the American people in their ability to fly their families and others who have suffered because of the terrorist attacks. Now we need to restore the confidence of the American people in their ability to fly their families and others who have suffered because of the terrorist attacks. Now we need to restore the confidence of the American people in their ability to fly their families and others who have suffered because of the terrorist attacks.

It is inapropriate for us not to act before we go out of session tomorrow. Already, there are only a few amendments that would need to be considered. As I mentioned earlier, Senator HOLLINGS, the chairman, and I have committed to opposing nonrelevant amendments no matter what their virtues may be. So I intend, tomorrow, if we are to make any progress, to come down and ask unanimous consent that this legislation be the pending business. I think it is very important.

I see the Senator from Nevada on the floor. I thank him for his efforts in trying to see this bill brought up and addressed before we go out of session for the week.

I don’t think we should allow any peripheral issues to prevent us from moving forward. I have had good will statements from the many people who are our supporters of Amtrak that they would not have those provisions on this bill. For those who are worried about the unemployed and others who have suffered because of the airline shutdown, those people have also said we can move forward. There is no reason we should not. I hope we will, and I hope we will not have to employ any parliamentary procedures in order to do what we all know is necessary, which is to protect the flying safety of our air transportation system.

By the way, the Air Transport Association is strongly in support of this legislation. I have been visited by airline executives who have urged that we act as quickly as possible to restore the confidence of the American people. I hope we will listen to them as well and not get hung up on some rather unimportant—when you look at the importance of this bill.

So I hope we will act tomorrow, and, if not, I will try to come down to the floor and force action in whatever parliamentary fashion I can.

I yield the floor.

Mr. THOMPSON. Mr. President, I am offering an amendment to the Aviation Security Act that would ensure that results-oriented management is a key component of whatever changes are ultimately made to our airport security system. We can not afford more business as usual. We have to insist that the traveling public is safe from those who would perpetrate evil deeds like those of September 11.

First, my amendment requires the Federal Government to set and enforce goals for aviation security. It requires the head of aviation security, within 60 days of enactment, to establish acceptable levels of performance and provide Congress with an action plan to address those performance gaps. In the long term, the head of aviation security must establish a process for performing planning and reporting that informs Congress and the American people about how the government is meeting its goals. By creating this process, we can move forward with the threats we face and ensuring that we have the means to measure our progress in preparing for those threats. This is a new, detailed method for ensuring that performance management is in place specifically in the government’s aviation security programs.

I firmly believe that good people, well managed, can substantially improve our aviation security. So this amendment gives those responsible for aviation security enhanced tools to regain the confidence of America’s flying public. We employ a good mix of carrots and sticks to drive performance. For instance: Managers and employees would be eligible for bonuses for good performance. The head of aviation security may have a term of 3 to 5 years, which can be extended if he or she meets performance standards set forth in an annual performance agreement. This amendment establishes an annual performance measurement system that includes setting individual, group, and organizational performance goals consistent with an annual performance plan. The amendment allows FAA management to hold employees—whether public, private, or a mix thereof, strictly accountable for meeting performance standards. Those who fail to meet the performance measures that have agreed to could be terminated, be they managers, supervisors, or screeners.

The provisions of this amendment are not new agencies like IRS, the Patent and Trademark Office, and the Office of Student and Financial Assistance, already have many of these flexibilities.

went down in Pennsylvania and the Pentagon and D.C. and Virginia and surrounding areas.

But I think it goes beyond that. If there is one good thing you can point to, it is that I think people really are thinking more about ways in which they can help other people. Call it a sense of community or whatever you want to call it. I can’t for the life of me figure out why that hasn’t yet reached the Senate.

What are the people values? How can we continue to delay helping these employees who are out of work in the aviation industry? How can we delay putting together a package? We call it an economic stimulus, but the truth of the matter is, the best thing you can do in an economic stimulus package is also get help to people flat on their back who can use the money to consume because they have tried to make ends meet.

I have amendments. We have all worked together on the Carnahan package. I thank the Senator from Missouri for her fine work. We want to see that passed. I think some of us have other amendments. We want to get to an economic stimulus package.

There is a lot of work to do here: Education, and appropriations bills. I hope the whole question of prescription drug costs for elderly people don’t just get completely put off. Frankly, those problems are no less compelling. I don’t think I am exaggerating the point if I say that it is not going to be easy on a lot of working families if they are trying to get by with hard times and continue to have to help their parents and grandparents with prescription drug costs. It all gets tied in together.

It is all about communities. It is all about families. It is all about our being a family. It is all about how to help people. There were a lot of people who campaigned on this issue. Senator DAYTON of Minnesota probably campaigned as effectively on this issue as anybody in the country.

It is not as if these issues go away. It is all a part of what we need to do in the country. If I wanted to be kind of “Mr. Economist,” I would say: My God, elderly people are paying half their monthly budget on prescription drug costs. Help them out so it is affordable, so they can have some money to consume with.

There are lots of things we can do that don’t represent a good marriage of helping people, which also will enable people to consume, and which will also help our economy. We need to do it now. We should do it for humanitarian reasons. We should do it out of a sense that we are our brothers’ and sisters’ keepers. We should do it with a sense of “there, but for the grace of God, go I.” We should do it for economic reasons and national security reasons.

Here I am at 5 minutes to 5 on the floor of the Senate, and no one is here because moving to the airline safety bill has been blocked. Outrageous.
amendment targets these flexibilities specifically to the area of aviation security so that we can immediately begin the process of ensuring the public’s safety.

The PRESIDING OFFICER. The Senator from Ohio. Mr. REID. Before the Senator leaves the floor, we would like to report to him that I finished speaking with Senator HOLLINGS, Senator HOLLINGS and Senator MCCAIN have worked together in the Commerce Committee for many years now. I think the cooperation the two of them have shown during this difficult time of the past 3 weeks is exemplary. I personally appreciate the work the two of them have done, setting aside partisan differences and moving through difficult issues. I, too, hope we can figure out a way to move on to complete the work we have before us.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I join my colleague from Nevada in complimenting my friend from Arizona. It is also very much my hope and desire that we can bring up the airport security bill and complete it tomorrow. I heard my colleague from Arizona say that both he and Senator HOLLINGS are willing to object to amendments that are not relevant to the underlying package. That is a concern of a lot of people from Nevada who will help streamline and finish the bill.

I hope and believe we will have the bipartisan leadership in agreement with that so that we can keep non-germane amendments off this package and we can pass the airport security bill. Then we can work on other issues together as well. I hope that is the case. We have had good progress in working in a bipartisan way on a lot of issues. I would like to see that the case on this package as well. Then we can take up the antiterrorism package next week and finish it as well.

I thank my friend. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. NELSON of Florida. I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

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

RECOGNIZING AMBASSADOR DOUGLAS P. PETERSON

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 167, submitted earlier today by Senators MCCAIN, KERRY, GRAMM, and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 167) recognizing Ambassador Douglas “Pete” Peterson for his service to the United States as the first American ambassador to Vietnam since the Vietnam War.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida, Mr. President, on behalf of the other Senators— and I know they are in various negotiations on other legislation; in Senator MCCAIN’s case, the Airline Security Act, and in the case of Senator GRAMM, he is involved in the Intelligence Committee right now—I say on behalf of all of them, and for me, what a great privilege it is to recognize a public servant, Ambassador Pete Peterson, who served as a Member of Congress prior to being named by President Clinton as the first United States Ambassador to Vietnam.

We bring forth this resolution commending Ambassador Peterson because of his extraordinary leadership in helping bring about the Vietnam Trade Act, which this Senate passed earlier today. Indeed, this story of Douglas Pete Peterson is the fact that when he first went to Vietnam during the Vietnam war as an Air Force pilot, he was shot down and captured and held in captivity for over 6 years. He was able to return to that country as Ambassador and has won the hearts of the people of Vietnam.

I remember reading a story that absolutely gripped me about a few days before Pete Peterson departed as Ambassador to Vietnam, he had a reunion with one of his captors. This was a captor who, at a time of great stress, after Pete had been beat over and over again to the point of unconsciousness, and he did not know if he was going to live or die at that particular point, in his stupor of coming in and out of consciousness, he motioned to one of his captors that he was thirsty, and his captor brought him a cup of tea.

A couple of days before Pete was to depart as the first Ambassador from America to arrive as a very successful Ambassador, he had a reunion with that captor, and that Vietnamese gentleman offered him a cup of tea again.

How times had changed and what a great job for us to have representing America where he held no grudge; he did not want revenge. He offered the best of America showing that we are a forgiving people. After serving six distinguished years as a Member of Congress from the State of Florida, for Pete, to return to Vietnam, POW, to return to that country that had held him captive the longest as one of the POWs, then to come back extending the hand of friendship with no malice in his heart, was to win the hearts of the Vietnamese people. In the process, he negotiated and tweaked and nurtured the Vietnam trade bill, which we passed earlier today.

It is with a great deal of humility that I speak on behalf of so many others, including Senator MCCAIN. Although he was not in the same POW camp with Ambassador Peterson, he clearly knew of him and thinks the highest of him. My words are inadequate to express the thoughts of all these other Senators.

I want to say one thing in closing about Pete Peterson. He is not only a hero to so many in his public and professional life—he is also a role model as a military officer, as a Member of Congress, and, as our first Ambassador to Vietnam—but he is also a role model as a human being. After he returned from Vietnam, he suffered through the years of a long and torturous process of coming to terms with his first war claims on his life. In the Iraq war, he was right there with him the whole way. He had the joy in Vietnam of meeting an Australian diplomat’s daughter of Vietnamese descent, his present wife VI. To make an engaging and attractive couple.

Mr. President, I offer these comments of appreciation as we pass this resolution.

Mr. MCCAIN. Mr. President, four years ago, I rose in this body to encourage my colleagues to confirm the nomination of my friend Pete Peterson to serve as the American ambassador to Vietnam, the first since the end of the Vietnam War. When we confirmed Pete for this important assignment in 1997, many of us could not have foreseen his success in building a normal relationship between our two countries.

Indeed, the best measure of Pete’s success is the fact that it seems quite normal today for the United States to have an ambassador resident in Hanoi to advance our array of interests in Vietnam, which range from accounting for our missing service personnel to improving human rights to cooperating on drugs and crime to addressing regional challenges together. That normalcy is due largely to the superb job Pete did as our ambassador to Vietnam.

As a former fighter pilot shot down and held captive for six and a half years, some would have assumed it was not Pete’s destiny to go back to Vietnam to restore a relationship that had been frozen in enmity for decades. Indeed, there was a time in Pete’s life when the prospect of voluntarily residing in Hanoi would have been unthinkable. Much time has passed since then. Our relationship with Vietnam has changed in once unthinkable ways.

Pete rose to the occasion and helped us to build the relationship we enjoy today. Pete’s willingness, after having already rendered many years of noble service to his country, to answer
her call again and serve in a place that did not occasion many happy memories for him, was an act of selfless patriotism beyond conventional measure. I am immensely proud of him.

I know of no other American whose combination of intellect and integrity, whose ability to win over both former Vietnamese adversaries and skeptics of the new relationship here at home, could have matched the success Pete had in transforming the U.S-Vietnamese relationship commitment to a full and final accounting. After the number of POW/MIA repatriation ceremonies over which he presided—each flag-draped coffin containing the hopes and dreams of the families of the fallen—Pete can confirm that providing final answers to all POW/MIA families is alone ample reason for our continuing engagement with the Vietnamese.

Pete Peterson has built a legacy that serves our nation and honors the values for which young Americans once fought, suffered, and died, in Southeast Asia. I can think of no higher tribute than that.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senate is considering a resolution in recognition of the outstanding service of our former U.S. Ambassador to Vietnam, Mr. Pete Peterson. I will comment briefly on the exceptional life of Mr. Peterson.

Mr. President, Pete Peterson is an American in our proudest tradition. Throughout his adult life, he served America as a career officer in the United States Air Force, serving with bravery during the Vietnam war, including a period of over 6 years of incarceration in a Vietnam prison after having been shot down in combat.

Pete Peterson returned to the United States and to Marianna, FL, after his long period of incarceration in Vietnam and, as a civilian, established his own business but continued his commitment to service, service in the form of being a volunteer at the State’s principal school for boys who have the most difficult experience of delinquency.

Pete Peterson served as a role model to these young men who were at the point in life where they either were going to recapture a sense of personal responsibility and values or they were likely to spend their own adult life in another form of prison for periods of longer than 6 years, even that Pete Peterson spent in Vietnam.

He performed great service to these young men and, in the course of that service, became aware of the role that service in elective office might have in terms of furthering his interest in America’s youth. And so, in 1990, Pete Peterson, in what many considered to be almost a cause without hope, announced that he was going to run for the U.S. Congress. And by the end of the campaign he had managed to rally such public support that he defeated an incumbent Member of Congress—a rare feat in these days.

He then served 6 years of very distinguished service in the House of Representatives. Having announced in 1990, when he first ran, that he would only serve three terms, at the end of his three terms, in 1996, he indicated he was going to return home to Marianna, having completed that congressional phase of his public career. Little did he know there was yet to be another important chapter before him. And that chapter developed as a result of the Congress and the President—President Clinton—reestablishing normal diplomatic relations with our previous adversary, Vietnam.

President Clinton asked Pete Peterson to be the first United States Ambassador to Vietnam in the postwar era. Of course that challenge to return to the service of the Nation that he so deeply loved.

He was an exceptional Ambassador. You can imagine the emotion he felt, as well as the people of Vietnam—to have a man who had spent years as a prisoner of war in Vietnam now returning as the first United States Ambassador.

Any sense of bitterness, any sense of loss that Pete may have felt evaporated. He represented our Nation and reached out to the people of Vietnam with unusual ability and warmth.

A testimony to his great service is the legislation that this Senate today approved, which is a trade agreement with Vietnam. It is symbolic of Vietnam’s new relationship that will exist between the United States and Vietnam as we rebuild our relationship based on our common interest in advancing the economic well-being of both of our peoples. This trade agreement would not have been before the Senate today but for the exceptional skills, as our Ambassador to Vietnam, which were exercised by Pete Peterson.

So, Mr. President, I join those who are taking this opportunity, as we enter into a new era of relationship with Vietnam, to recognize the particular role which our former colleague in the House of Representatives, Pete Peterson, played in making this possible.

He is truly an exceptional American, but in the mold of so many generations of exceptional Americans. We are fortunate, as Americans, and those of us who know him also as a Floridian, to have served with and to have lived at the same time with such a special human being as Pete Peterson.

I commend him for his many contributions to our Nation, and wish him well, as I am certain he will be pursuing further opportunities for public service.

Mr. NELSON of Florida. I ask unanimous consent the resolution and the preamble be agreed to in bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today’s RECORD under ‘‘Resolutions Submitted.’’

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. I ask unanimous consent to proceed up to 22 minutes.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AFGHANISTAN

Mr. BIDEN. Mr. President, I rise to speak in a matter that is very hard to discuss these days, when we are dealing with the aftermath of the destruction that has been visited upon our country. I rise to speak of a matter that is at the very heart of our fight against terrorism.

Today I met with the Secretary of State, along with my Senate Foreign Relations Committee colleagues, including the occupant of the Chair, for about 2 hours. I applaud the actions of President Bush and Secretary Powell and the rest of the administration throughout this terrible crisis. I applaud what he had to say at our meeting.

Of all the topics Secretary Powell discussed with me and other members of the Foreign Relations Committee, none was more important in my view than this: We must make a bold, brave, and powerful decision to provide generous relief and reconstruction aid to the people of Afghanistan and neighboring countries, even as we move toward war. We must wage a war against the vicious thugs who attacked our nation, but we must not permit this war to be misconstrued as a battle against the people of Afghanistan or the wider Muslim world.

If we don’t make this critical distinction, all our efforts are doomed to failure. The people of Afghanistan, who are looking for a way of ridding themselves of the Taliban regime, might direct their anger at us rather than at the brutal warlords who have caused them so much misery and pain. The people of Muslim countries from Morocco to Indonesia could turn against the United States, with disastrous consequences for many years to come—consequences that would make prosecuting this military effort with discreet and precise efforts to minimize civilian casualties.
We have already seen how those who wish us ill can portray legitimate, restrained military action as an indiscriminate attack on innocent civilians, and how such an argument can be persuasive to so many people in the Middle East. Saddam Hussein, a man who has killed far more Muslims than any American attack before, during, or since the gulf war, has depicted the United States-led actions against Iraq as an assault on Iraqi women and children. That is Islam. That is a guy who has killed more believers of Islam than just about anybody else—and yet he is able to put out a boldfaced lie, the lie that our soldiers have gone out of their way to hurt innocent civilians. In fact, our soldiers have always gone out of their way to avoid collateral damage to civilians, even during the height of the gulf war.

The United Nations’ sanctions imposed since that time place no restrictions on the delivery of food or medicine to Iraq. Quite the opposite. Yet Saddam has won the international battle. He has convinced a significant portion of the Islamic world that we are the reason the people of Iraq do not have food and medicine in sufficient supply. It is Saddam who is starving his own people, deliberately sitting on billions of oil dollars earmarked for humanitarian aid to the people of Iraq while he pursues his weapons of mass destruction and builds himself more palaces.

The reason I bring this up is that throughout much of the Muslim world Saddam’s propaganda remains convincing. People see these images of children and their mothers scrambling for food, the footage of destroyed buildings, and they know the United States conducts bombing raids to enforce the no-fly zone and we are leading an international coalition to maintain sanctions. So they conclude, with his distinct voice, we are not acting in accordance with U.N. resolutions and the consent of the world community, but that we are acting in the way Saddam Hussein portrays us as acting: victimizing his people, oppressing women and children, and causing great hardship.

No matter how we cut it, he has won the battle over who’s at fault. If you had told me that was going to be the case after the gulf war, I would have told you it was crazy. The American people are living in a world in which it is not hard to see why Saddam Hussein portrays us as acting: victimizing his people, oppressing women and children, and causing great hardship.

We say we have no beef with the Afghan people, and we do not. But one out of four Afghans—perhaps 7 million people—are surviving on little more than grass and locusts. We say our fight is only against the terrorists, along with their sponsors, and it is. But the people of Afghanistan have been subjected to constant warfare for the past two decades. They are looking for help, and they are looking at us. We did not cause the terrible drought that brought so many Afghans to the brink of starvation, and we did not cause the Soviet invasion or the civil war that followed, for which the United States was not interested in Afghanistan, but only when it suited our own interests. We paid attention during the 1980s, but then came down with a case of attention deficit disorder. As soon as the last Russian troops pulled out in 1989, our commitment seemed to retreat along with them. And I was here, so I share this responsibility.

The years of bloody chaos that followed were what we gave to the Taliban. If we had not lost interest a decade ago, perhaps Afghanistan would not have turned into the swamp of terrorism and brutality that it has become.

And not just this not to cast stones, because I was here. We do not need to ask who “lost” Afghanistan. There is more than enough blame to go around. It is not a matter of political party or ideological outlook. Nobody—Republican, Democrat, liberal, conservative—stepped up to the plate when it counted because we did not take it as seriously as it turned out to be.

It is time we all stepped up to the plate.

In fairness to the folks who were here, like me and others, the truth of the matter is we get called on from all over the world and we find ourselves responding to whatever the crisis of the moment is.

It is time to reverse more than a decade of neglect, not only for the sake of Afghanistan, but for our sake. Not only for the sake of Pakistan, which faces growing instability exacerbated by the enormous burden of sheltering millions of Afghan refugees. Not only for the sake of Central Asia, all of which are threatened by chaos fostered in Kabul and Kandahar. We have to take action not merely for their sake, but for our own sake.

The tragedy of September 11 served as a stark reminder that isolation is impossible. What happens in South and Central Asia has direct impact on what happens right here in the United States. If we ever were able to think of our nation as one buffered from faraway events, we can no longer maintain that illusion. So what can we do? Let me make this very bold proposal as to what I think we should and could do. The plight of the Afghans had reached a crisis point before September 11, and the prospect of military action has made matters even worse. The U.N. places the number of Afghan refugees at about 3 million, and in Iran at about one half that, with another million displaced within Afghanistan itself. These are human beings—surviving on little more than grass and locusts. We say our fight is only against the terrorists, along with their sponsors, and it is. But the people of Afghanistan have been subjected to constant warfare for the past two decades. They are looking for help, and they are looking at us.

The U.N. Secretary Kofi Annan has issued an appeal for $384 million to meet the needs of the Afghan refugees and displaced people, within Afghanistan and in neighboring countries. This is the amount deemed necessary to stave off disaster for the winter, which will start in Afghanistan in just a few weeks.
We must back up our rhetoric with action, with something big and bold and meaningful. We can offer to foot the entire bill for keeping the Afghan people safely fed, clothed, and sheltered this winter, and that should be the beginning of our efforts.

We can establish an international fund for the relief, reconstruction, and recovery of Central and Southwest Asia. We can do this through the U.N. or through a multilateral bank, but we must be in it for the long haul with the rest of the world by our side. The initial purpose of the fund would be to address the immediate needs of the Afghans displaced by drought and war for the next 6 months. But the fund’s longer-term purpose would be to help stabilize the whole region by, as the President says, draining the swamp that Afghanistan has become.

We can kick the effort off in a way that would silence our critics in the rest of the world: a check for $1 billion, and enough for more to come as the rest of the world joins us. This initial amount would be more than enough to meet all the refugees’ short-term needs, and would be a credible downpayment for the long-term effort. Everything we would contribute will have to pony up more billions, but there is no avoiding that now, and we expect our words ever to carry any weight.

If anyone thinks this amount of money is too high, let me note one stark, simple and very sad statistic. The damage inflicted by the September 11 attack in economic terms alone was a minimum of several hundred billion dollars and a maximum of over $1 trillion. The cost in human life, of course, as the Presiding Officer knows, is far beyond any calculation.

The fund I propose would be a way to put some flesh on the bones, not only of the Afghan refugees, but on the intention that President Bush has assembled. All nations would be invited to contribute to this fund, and projects for relief and reconstruction could be carried out under the auspices of the United Nations. Countries that are leery of providing military aid against the Taliban could use this recovery fund as a means to demonstrate their commitment to the wider cause.

Money from the fund would be used for projects in several countries. In the short term, it could help front-line countries handle the social problems caused by existing refugee burdens or the expected military campaign. This would further solidify the alliance and give wavering regimes, especially Pakistan, a valuable “deliverable” to present to its own people.

The fund would also be used for relief efforts within Afghanistan itself. This could take several forms. It could help finance air drops of food and medical supplies. It could support on-the-ground distribution in territories held by the Northern Alliance and other friendly forces. And perhaps, most significantly, it could provide the Pashtun leaders of the south with a powerful incentive to abandon the Taliban and join the United States-led effort.

Think of the impact. Many Pashtun chiefs, including current supporters of the Taliban, are already on the fence. If the Pashtuns, who now going hungry, saw relief aid pouring into neighboring provinces or in from the air, with their own leaders stubbornly stuck by Mullah Omar and refused such aid, we could suddenly find our- ourselves allies. The seemingly intransigent problem of forging a political consensus in Afghanistan might become a whole lot easier to solve.

A massive humanitarian relief effort will not guarantee a favorable political solution. But it clearly is within the realm of possibility. We can establish our credibility by committing ourselves to providing this aid now, before the first bomb falls.

The funding that I propose will address not only the short-term goal, but the more important (and more difficult) longer term ones as well. Whatever we do in Afghanistan—whether it involves the commitment of military, economic, and political assets, such funding must be geared toward a long-term solution. We cannot repeat the mistakes of the past. If we think only in the short term, only of getting Bin Laden and the Taliban—which we must do, but that is not all we must do—we are just begging for greater trouble down the line.

We have a unique opportunity here and right now—a window of opportu- nity that will not be open forever. Now, while the attention of the country and the world is focused on this vital issue, we can create a consensus necessary to build a lasting peace in the region.

This will be a multinational, multiean, multibillion-dollar commitment. And if we take a leading role, I am confident that other nations will follow.

Today is not the time to speak about political reconstruction of Afghan- stan. The situation is extremely fluid, and delicate negotiations are in progress. This Chamber is not the appropriate place for such a sensitive discussion.

Today is also not the time to discuss all the details of the long-term eco- nomic reconstruction package for the region. Once the immediate refugee crisis is dealt with, there will be plenty of opportunity to deal with the nitty- gritty of how best to help the people in the region rebuild their lives. I will not hesitate to lay out a long-term agenda today. But some of the foremost items on such an agenda might include the following:

Creation of secular schools, both in Pakistan and Afghanistan. We need to break the stranglehold of radical religious seminaries that have polluted a whole generation of Afghan boys. The Taliban movement is an outgrowth of this network of extremist seminaries, a network which has been funded by mili- tant forces around the world and has fed off the lack of secular educational opportunities.

We can also be involved in the res- toration of women’s rights. The Taliban created a regime more hostile to the rights of women than any state in the whole world. Women under Taliban rule have been deprived of even the most basic of human rights. A critical element of the new school system, I would emphatically say, will be equal education for girls and boys alike. If Afghan girls and women do not have a chance to go to school, they will never be able to have the rights they are so cruelly denied now by the Taliban.

De-mining operations: Afghanistan is the world’s most heavily mined coun- try. Clearing these mines will take time, money, and expertise. Until these fields are cleared, farmers—whether trapped in refugee camps or trapped by drought—cannot start farming their land.

Creation of full-scale hospitals and village medical clinics in Afghanistan and throughout the region. As in the past, education is the key, and services has created a void filled by radical groups.

People sometimes ask why extremist organizations have been so successful in recruiting support in the Muslim world. The answer is simple. We have not provided a way to help the Afghan farmers find a new way to support their families. We have not let Afghanistan resume its place as the world’s No. 1 source of heroin.

Building basic infrastructure: Just as Saddam manipulated images of war in Iraq, the Taliban could have success doing the same. We have to counter this effort by drilling wells, building roads, providing technical expertise, and a whole range of development projects.

We are portrayed as bringing destruc- tion to the region. But that is a wrong perception: we must prove to the world that we are not a nation of destruction, but of reconstruction.

This afternoon, the members of the Foreign Relations Committee and I had a very productive meeting with the Secretary of State. Everything I have said here today is an attempt to sup- port Secretary Powell and President Bush in their efforts to send the world a simple message: Our fight is against terrorism—not against Islam. We op- pose the Taliban not the Afghan peo- ple.

We stand ready as a great nation, as a generous nation, as a nation that has
led the world in the past, a nation whose word is its bond, and we stand ready to match our words with our actions.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARRANZA). The clerk will call the roll.
The legislative clerk proceeded to call the roll.

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

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

THE ANTITERRORISM PACKAGE

Mr. SPECTER. Madam President, I have sought recognition to express my concern about what is happening on the antiterrorism package. Two weeks ago Attorney General John Ashcroft met with Members in an adjacent room, down the hall, and asked for legislation that week. I responded we could not do it instantly but we could do it briefly.

Since that time, we have only had one hearing in the Senate Judiciary Committee, a hearing two weeks ago yesterday, where we heard from Attorney General Ashcroft for about 75 minutes. Most of the members of the committee did not have a chance to question him. I did.

We really have a serious issue of promoting the Constitution Congress. But it has to be deliberative. We have to be sure of what is in the legislation. When Attorney General Ashcroft testified, he said on the detention of aliens, the only ones they wanted to detain were those who were subject to deportation proceedings. My response to that was that I thought they had the authority now, but the bill was much broader. It authorized detention of aliens without any showing of cause at the discretion of the Attorney General, and we could give the Attorney General and law enforcement the additional authority. But it had to be carefully drawn.

Similarly, on the use of electronic surveillance, the Attorney General said he wanted to have the availability of electronic surveillance on content only on a showing of probable cause, but the amendments to the Foreign Intelligence Surveillance Act were broader.

Here again, I think we can give the Department of Justice and law enforcement what they need, but we have to craft the bill. We have not had any hearings since. There is a meeting scheduled later today with all Republican Senators, with our ranking member, Senator HATCH, to have what I understand will be compromise legislation which has been worked out. But the difficulty is that the Supreme Court of the United States has, in a series of decisions, struck down acts of Congress when there has been an insufficient record showing a deliberative process and showing reasons for why the Congress has done what the legislation seeks to accomplish. In the area of law enforcement and civil liberties, there is, perhaps, more of a balancing test than in any other field.

What we need to do is to have a record. If the Department of Justice can show that there is a need for electronic surveillance which more closely applies to the standards of the Foreign Intelligence Surveillance Act than the traditional standards of probable cause—a really pressing need with factual matters—that is something which the Judiciary Committee ought to consider. If there are pressing matters about detention and a balancing test—understand the House has a bill which would allow for detention for 7 days, which is a protracted period of time—there has to be a showing as to what is involved. That can be accomplished only through the hearing process. Perhaps we need closed hearings. But I am very concerned, and I have communicated my concern that something may happen in the intervening time which might be attributable to our failure to act.

I hope we will let the Judiciary Committee undertake its activities. We have a lot of seasoned people there who have prosecutorial and governmental experience, who have things to add to really understand exactly what the specifics are and structure legislation which will meet those specific needs and which, under a balancing test that the courts have imposed, will survive constitutional muster.

We are but on notice and we are on warning that the Court will strike down legislation if there is not a sufficient deliberative record as to why the legislation is needed.

It was my hope that we could have had a markup early this week, and we still could with dispatch. There is no reason that the Senate can’t have hearings on Fridays, or on Saturdays, when we are not going to be in session, to have markups and sit down with Department of Justice people to get the details as what they need perhaps in closed session and ahead of creating legislation completed.

I think we can accommodate the interests of law enforcement, a field in which I have had some experience, and also the civil liberties and constitutional rights, a field again that I have had some familiarity with.

I thank my distinguished colleague from New Hampshire for letting me speak at this time.

THE FUTURE OF THE AIRLINE INDUSTRY

Mr. WYDEN. Madam President, less than 2 weeks ago, legislation providing $15 billion to the airline industry flew through the Congress like a runaway express. The legislation moved so quickly that I am of the view that additional steps are needed to impose accountability on the airlines for this unprecedented infusion of taxpayer money.

One-third of the $15 billion is already attributable to our failure to act. That can be accomplished only through the hearing process. Perhaps we need closed hearings. But I am very concerned, and I have communicated my concern that something may happen in the intervening time which might be attributable to our failure to act.

I hope we will let the Judiciary Committee undertake its activities. We have a lot of seasoned people there who have prosecutorial and governmental experience, who have things to add to really understand exactly what the specifics are and structure legislation which will meet those specific needs and which, under a balancing test that the courts have imposed, will survive constitutional muster.

We are but on notice and we are on warning that the Court will strike down legislation if there is not a sufficient deliberative record as to why the legislation is needed.

It was my hope that we could have had a markup early this week, and we still could with dispatch. There is no reason that the Senate can’t have hearings on Fridays, or on Saturdays, when we are not going to be in session, to have markups and sit down with Department of Justice people to get the details as what they need perhaps in closed session and ahead of creating legislation completed.

I think we can accommodate the interests of law enforcement, a field in which I have had some experience, and also the civil liberties and constitutional rights, a field again that I have had some familiarity with.

I thank my distinguished colleague from New Hampshire for letting me speak at this time.

The entire Senate understands that there is a national airline rescue effort underway. Since September 11, Congress has heard much from the airline industry about what the industry believes needs to be done. Congress has responded. It is time now for the Congress to set out what the American people have a right to expect from the airline industry. Fortunately, this job is going to be easier because the Comptroller General, David Walker, and the Department of Transportation Inspector General, Ken Mead, are in place in order to provide a crucial reality check. Already Mr. Walker has performed an important service of pulling together a General Accounting Office report, getting me and other in the Judiciary Committee a sense of what the industry’s loss projections are, and particularly an analysis of their short-term needs. This type of independent third-party review is going to be essential in the weeks and months to come.

Let me give the Senate just a few examples of the important questions that the public has a right to have debated.

The CONGRESSIONAL RECORD — SENATE October 3, 2001
now, in order to know what to the end product of this debate involving the $15 billion is going to lead. For example, suppose that the $10 billion in loan guarantees is allocated in a way that favors a few large carriers, which is something I believe is being sought by some in the industry. The end result could be consolidation to just a couple of airlines, precisely the result the Government was trying to avoid when it blocked the proposed United-United Airways merger. Or suppose carriers use loan guarantees to strengthen their operations in “fortress hubs” while pulling back elsewhere. The end result for many consumers would be a monopolistic environment with little competition and few choices.

Of course, there is the risk that taxpayer dollars will be wasted on airlines that may not survive in any case or on airlines that really do not need the help. Care has to be taken to ensure that these dollars are used to get the maximum benefit for the American public.

Responsibility for avoiding these pitfalls lies, in the first instance, with the Air Transportation Stabilization Board. The Board has the authority to decide who will receive loan guarantee assistance subject to what terms and conditions. The Congress, unfortunately, has not provided this Board with a lot of guidance. The legislation provides only general criteria, such as the requirement that the loan in question be prudently incurred. The Board has not told the Board where to place its priorities or what the goals should be. Therefore, I believe some guiding principles are needed with respect to how that $15 billion is allocated. I propose the following principles this morning:

First, Government assistance must be allocated in ways that are going to promote and not hinder competition between the airlines. This must be a primary goal that is being sought by all stakeholders. The entire premise of the deregulated industry relying on market forces makes no sense. The Government cannot afford to focus narrowly on each individual loan guarantee application while ignoring the big picture issue of how the overall assistance package affects the balance of competition in the industry.

Second, companies receiving assistance need to be monitored closely to make sure they are using the money responsibly. Are the taxpayer funds being used to subsidize dividends to the shareholders, lucrative compensation for top executives, or increased lobbying? The legislation does contain some provisions with respect to executive compensation, but the additional issues I am raising could send a message, at a time when America is hurting, that some of the powerful may be profiting.

Third, companies receiving assistance and their major stakeholders should be required to demonstrate that they are doing everything in their power to improve the situation. Companies would have to show that they have a plan for returning to profitability and that the plan is actually being followed. Top managers should also make sacrifices as well. Taxpayers who are funding these packages should know that all of the company’s stakeholders are helping to shoulder the burden.

Fourth, there needs to be an upside for the taxpayer. In the Chrysler bailout, the Department received stock options that eventually led to a substantial profit for the taxpayers. Similarly, this effort should be coupled with a mechanism for the public to recoup its investment when airlines return to profitability.

Fifth, service to small markets must not be a casualty of this crisis. As airlines cut flights or routes in response to the current predicament, their first instinct may be to eliminate small service and turn to small communities. Americans need an airline system that connects the entire country and not just the large hubs. Any program of Government assistance to the airlines must seek to encourage the airlines to maintain and indeed improve service in the small markets.

Sixth, companies should be rewarded for treating employees in a responsible manner. Companies whose airline workers have already been laid off—but there are significant differences from airline to airline in the type of severance arrangements offered, and also in the efforts the airlines make to rehire workers when conditions begin to improve again. When it comes to public assistance, companies with more responsible labor policies should have a significant leg up in those loans and loan guarantees.

Seventh, finally, the current focus on the interests of the airlines should not come at the expense of efforts to protect the interests of consumers. The fact is, this is a concentrated industry in which consumers often face limited choices. There is a real risk that, if some air carriers fail, the competition situation may get worse before it gets better.

That makes consumer protection all the more important in a number of ways—one is that the Department of Transportation Inspector General has already said there is a serious problem, and that Members of this body have tried to address in passenger rights legislation.

There may be no need as this new effort goes forward for proconsumer rules in order to protect consumers.

Adhering to these seven core principles that I have laid out this morning is not going to be easy. There is no simple rule or formula that Congress should implement that this board could follow that would automatically achieve all of the objectives that I have laid out today.

It is critical, in my view, in order to make sure this job is done responsibly, for Congress to obtain on a weekly basis the information necessary to exercise responsible oversight over the airline industry. This information must be real-time and include such factors as yields per mile, fares, type of aircraft, dividend payments, service to small markets, cancellations, workforce statistics and route information.

In the coming weeks, the Air Transportation Stabilization Board begins to implement the loan guarantee program. I am certain the Senate Commerce Committee under the leadership of Chairman Hollings will be actively engaged. I am anxious to work with my colleagues to put into effect the principles that I have outlined today, as well. I am sure, as other Members of the Senate who will propose what they believe should govern how this $15 billion is allocated.

The airline industry has been heard from. Now the public has a right to ask the airline industry to support policies and to work with the U.S. Congress to ensure that this is true competition, affordable prices, and no waste.

In closing, I am of the strong view that the work of the Congress on that $15 billion legislation began when the bill passed. I hope and trust that my colleagues will join with me in doing everything we can to ensure that at the end of the bailout process the American people are left with a more competitive airline industry, one that offers high-quality service to every area of the country and gives the public what they put in right to expect will be the end process of that unprecedented legislation that the Congress passed a little less than 2 weeks ago.

Madam President, I yield the floor.

MEMORIAL TRIBUTE TO D. MICHAEL HARVEY

Mr. BINGAMAN. Madam President, it is both with a smile and with great admiration that I rise today to pay tribute to an exemplary public servant and a good friend, D. Michael Harvey, who died on August 31, 2001. Mike served the United States Senate and the Committee on Energy and Natural Resources with distinction for some 22 years. He often said that there is no greater calling than public service. Mike worked for and counseled some of the giants of the committee: Chairman Hruska, Wyoming; Lee Metcalf of Montana; Henry M. (Scop) Jackson of Washington; Mark Hatfield of Oregon; Dale Bumpers of Arkansas; and J. Bennett Johnston of Louisiana. He served at the direction of the committee’s leaders, but all the committee’s members—Democrats and Republicans alike—had access to and benefit of his counsel.

Mike was born in Winnipeg, Manitoba, and raised in Rochester, NY. He received his B.A. from the University of Rochester in 1955. He joined Eastman Kodak Co., for 4 years, before moving to Washington.
Mike began his public service career in 1960 with the Bureau of Land Management in the Interior Department, spending his last 4 years there as chief of the Division of Legislation and Regulatory Management. He received a J.D. from Georgetown University in 1963, while working at BLM. In the mid-1960s he served with the Public Land Law Review Commission and the Federal Water Pollution Control Administration.

In 1973 Mike accepted an invitation from Senator Henry M. Jackson to become special counsel to the Senate Committee on Interior and Insular Affairs. In February 1977, when the Senate reorganized its committees, he established the committee's structure and created the Senate Committee on Energy and Natural Resources. Mike was appointed its first chief counsel. Until his retirement in 1995, he served as majority chief counsel during the years that the Democrats controlled the Senate and as chief counsel and staff director for the minority when Republicans held the majority.

During his tenure with the committee, Mike played a key role in developing landmark legislation involving Alaska lands, the regulation of surface coal mining, and Federal energy policy and land management. His knowledge of the law regarding natural resources was encyclopedic and his judgment was well-respected. Mike was dedicated to achieving good public policy and his counsel was always given with that paramount objective in mind. He provided a structure board on a huge range of issues. Mike was a role model, a teacher and a mentor for his colleagues. He established a high standard of professionalism among the committee staff and instilled it, by his example more than by precept, in the generation of young staff members that he trained.

Mike was known by all who worked with him for his dedicated professionalism and the breadth and depth of his expertise. But he was perhaps known for the extremely high standard of ethics he brought to public service. You could always get a legal opinion from Mike of the highest caliber, and you could be absolutely confident that the opinion was free of any special interest or personal prejudice. He was a talented professional and a fine human being.

Mike was actively involved in American bar association activities. He served on the council of the ABA Section of Natural Resources Law. He was past chairman of the Fairfax County Park Authority. He served as a congressional adviser to the U.S. delegation to the N.C. Conference on the Law of the Sea and served on the board of governors of the Henry M. Jackson Foundation and the board of directors of the Public Land Foundation. Mike often attended the theater, loved poetry, and was known to quote Shakespeare at length.

The Senate was fortunate to have the benefit of Mike Harvey’s considerable talents for many years. I was privileged to have worked with him and to have known him. Our deepest sympathies go out to Mike’s family: his wife, Pat; his four children, Michelle, Jeffrey, David, and Leslie; and his 10 grandchildren. We share in their loss.

In eulogizing Chief Counsel Jack- son, Mike relied on a quotation from Shakespeare. I believe that Shakespeare’s eloquent words apply as well to the late Mike Harvey:

His life was noble, and the elements so mixed in him might stand up and say to the world: “This was a man.”

I yield the floor.

CAPITOL HILL POLICE

Mr. WELLSTONE. Madam President, regarding the Capitol Hill police, I will try to write a resolution and have it passed by the Senate, I hope they will do the same on the House side. I want to thank the Capitol Hill police for what they have been doing for us. I think my colleagues are aware, but sometimes in the rush of war it is easy to forget. Many of the Capitol Police are putting in 17- and 18-hour days. You can see the exhaustion on their faces.

I have been a police officer indi- vidually when I walk by, and they are very gracious, but it is almost as if they are saying: Well, it is hard, but we want to do this.

We owe a real debt of gratitude to them. I will try to bring a resolution to the floor tomorrow and have that passed. It would mean a lot. I think all Senators are very grateful. Those are long days and weeks. They are doing the extra work for the security for all of us.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 6, 2001 in Middleburg, PA. Two brothers, Todd Justin Clinger, 20, and Troy Lee Clinger, 18, were charged with at- tempted homicide after severely beat- ing a neighbor, Michael Aucker, 41. Police allege that one of the brothers, Troy, said that Aucker tried to make a pass at them while the trio drank beer in their trailer. Police said the three men walked out on the deck, where the brothers allegedly punched and stomped on Aucker with heavy work boots several times before taking the bleeding Aucker to his nearby trailer. Aucker was discovered a day and a half later by a neighbor and co-worker. When they found him, he was in a coma and every bone in his face and nose were broken.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement En- hancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE NEED FOR RURAL AIR TRANSPORTATION

Mrs. LINCOLN. Madam President, I rise today to express my deep concern with the state of the airline industry in the United States.

On Friday, September 21, Congress passed the “Air Transportation Safety and System Stabilization Act.” This bill provided the commercial airline industry with $15 billion in emergency aid and loans. The intention of the bill was to ensure that our system of commercial air transportation remained viable nationwide, both in less popu- lous rural areas and in larger metropol- itan areas.

When this bill came before the Sen- ate, I had reservations about how effective it would be. I was not convinced that it would do enough for the tens of thousands of workers who were being laid off by the airline companies; I was not convinced that it provided adequate incentives to assist the airlines in correcting the management problems that had brought them into a corner to begin with; I was not convi- nced that it would do enough to en- courage passenger confidence in the wake of the horrible hijackings of Sep- tember 11; and I was not convinced that we were taking adequate time to consider the ramifications of the pack- age. I expressed my reservations to sev- eral of my colleagues, and I was as- sured that we would deal with those concerns soon after.

It would appear my reservations were well-founded. One important provision of the stabilization bill was that the airlines would honor their service commitments so that small communities would not lose scheduled air service. This week, United Airlines announced that they are discontinuing service to Little Rock, AR. The cutback at Little Rock was one component of a sweeping reduction in capacity which will reduce United’s service from 2,300 daily flights worldwide to 1,900 daily flights. Ac- cording to the airline, this is a result of the reduced demand for travel nationwide. Similar cuts were made in Virginia, Washington, and Alabama. The airline claims that service will re- sume if demand for air travel picks up. The day after the United announce- ment, other airlines followed suit. American Eagle, USAirways Express, Continental Express, TWA, Delta, and Northwest all curtailed their service to Arkansas as well. Most of these airlines only reduced their schedules, but the airline industry is trying to limit the options for transportation in and out of Arkan- sas. These cuts are a blow to the econ- omic well-being of rural States. How
can rural economies ever grow if we don’t maintain transportation to those States?

When the airline stabilization bill came before the Senate, there were several legitimate reasons for us to support it. Yet, in the aftermath of the September 11 attacks, the federal government had shut down the airlines for nearly three days, dealing a serious blow to their revenues. Furthermore, once the planes were in the air again, the airlines suffered a significant decline. When we voted on the bill, we were looking to ease the blow of the shutdown and subsequent decline in ridership.

Now that I see how the commercial airlines are going to treat small- and mid-sized markets and rural States, it is clear to me that we may have rushed the airline stabilization package. Certainly, if I had known that the airlines were simply going to take the money and then announce they would no longer serve my constituents, I might have thought again about the vote I cast in favor of that package.

I have contacted the Secretary of Transportation to express my concerns and ask for a full review of these scheduled service reductions. I hope that my colleagues will join me in requesting this review, to ensure that the American people are getting a fair return on the investment they have made in the airline industry.

Perhaps the great lesson of the airline stabilization package is that, if we are going to enact policy to build and strengthen our economy, we need to have adequate discussion and debate to ensure that the policies are effective, constructive, and broad-based. In the coming weeks and months, as we take up other matters of economic policy, funding for defense and national security, and agricultural policy, let’s take care to consider the ramifications and the realities of what we’re dealing with so that we do what’s best for our entire Nation.

DEFENSE NATIONAL STOCKPILE

Mr. CLELAND. Madam President, I am pleased to join the Chairman and our colleagues from the Senate Armed Services Committee, Senator COLLINS, and Senator HUTCHINSON, in a colloquy on the forest products industry and the release of materials from the Defense National Stockpile that poses a potential threat to this industry.

The forest products industry is an important industry for our Nation, and for my own State of Georgia as well. It is important in the sense that it provides materials critical to our way of life, and also because it employs a large number of our fellow citizens. It is an industry that reaches into a large number of States. Any process undertaken by a branch of our Federal Government that would harm the forest products industry would, therefore, be likely to draw the attention and the immediate response of this Congress. I certainly would seek to participate in such a response, and to engender the greatest possible support among my colleagues.

We have been faced in recent weeks with the prospect that the sale or other release of sebacic acid, a lubricant and plasticizer made by the forest product industry, by the Defense National Stockpile might result in the harmful depression of the sebacic acid market and thereby harm the forest products industry. I am monitoring this industry closely. My staff coordinated a meeting between the officials responsible for the Defense National Stockpile and representatives of the industry, in the hopes that such a meeting and negotiation would resolve any potential problems associated with the authority for Federal sebacic acid release. The officials responsible for the stockpile assured me that the current authorization for release of sebacic acid was not excessive and that the release would be gauged so as not to have a negative impact on the price of sebacic acid. These assurances were made while acknowledging the release of an additional 400,000 pounds of acid, which I understand was needed this year in order to avoid a negative impact on the contracting process for last year’s stockpile release.

The forest products industry in Georgia and, indeed, across the country is highly concerned with this year’s proposed release, and has requested that Congress restrict the authorization to release material from the stockpile. Having received assurances from the officials managing the stockpile release, along with their request that we avoid legislation affecting the annual authorization to release sebacic acid, I am here today to serve notice that I will closely follow the scope and effect of any sebacic acid release over the next year. If the release has a negative effect on the market for sebacic acid, I will be ready to join my colleagues in the next authorization bill to curtail future releases of sebacic acid.

Ms. COLLINS. I thank the Senator. As does the Senator from Georgia, I view this matter as one of national importance, deriving from the policies of the Department of Defense, which fall within the oversight of our Committee. I also share his concerns because, as does he and many of our colleagues, I have constituents who depend on the forest products industry for their livelihood.

I am also pleased that we have agreed to this colloquy as a bipartisan expression of our mutual concern over the current Department of Defense release authority for sebacic acid. Having taken this measured step this year, I will monitor the impact of Department of Defense sebacic acid release on the market, and will be ready to join my colleagues in taking legislative action as required.

The fact that an additional amount of acid is being released now, due to the acknowledged contracting miscues on the part of Department of Defense officials last year, is a further indication that we must be prepared to act in our oversight role to restrict future releases of sebacic acid. The horrible acts of terrorism that befell us on September 11 and have affected our economy. I believe the Department must take current economic conditions into account as it implements its releases of sebacic acid over the coming year.

Mr. HUTCHINSON. I thank my good friend from Maine, Senator COLLINS, and our distinguished colleagues from the Senate Armed Services Committee. I need not tell them that the forest products industry is an important industry in Arkansas. I will stand with you, if it becomes necessary, to restrict the Department of Defense authorization for release of sebacic acid. I know that we will be joined by many others, including our distinguished colleagues from Georgia, Maine, and Arkansas, in pressing this issue to my attention. I also appreciate the fact that the Senators from Georgia, Maine, and Arkansas have sought a colloquy on this issue to avoid offering an amendment to the National Defense Authorization Act for Fiscal Year 2002 and thereby slowing its passage in this time of crisis. The current law requires the Department of Defense to ensure that its sales of excess materials from the National Defense Stockpile do not adversely affect the markets for those materials. It is especially important in our current economic situation that the Department not take actions that would harm the private sector. I fully expect that the Department will comply with the law and act prudently in this regard.

AMERICA: ‘BACK ON THE JOB’

Mr. NELSON of Nebraska. Madam President, I would like to recognize the tremendous outpouring of solidarity and support from America’s citizens in response to the September 11 terrorist attacks. The nation’s collective reaction shows how much we have been flummoxed by the mastermind of this
tragedy, a reality has emerged: America is still strong and, because of this tragedy, America ultimately will be even stronger.

There is no firmer support for this belief than the way in which Americans have responded to the call of Commander-in-Chief, to get back to the demands of our daily schedules. The best civilian offense in the aftermath of these attacks is not to cower to fears of future attacks, but instead to quickly ‘get back on the job’ and resume to that degree to which our nation has been constructing an effective and forceful civilian offense. But we can still do more.

I have come to the floor today to encourage the continuation of debate—specifically here in the Senate—on issues critical to our national security. A return to such a dialogue should not be frowned upon or considered as a sign of splintered resolve, but rather as proof that America and her values are alive and well.

I commend President Bush and his advisors for their efforts thus far in preparing our minds and our military for the long battle we’ve undertaken. Our leaders, both civil and military, have united a coalition of nations sharing in our objective to thwart terrorist activity around the globe. We’ve sent a clear message to our friends, and they have responded with strong support.

And just this morning, we’ve communicated another message. By announcing our intent to reopen National Airport, we’re telling not only friends, but the whole world, that we Americans will not live in fear within our own borders. I am pleased with President Bush’s announcement. Now that added security measures have been implemented, I agree with him: It’s time to unlock the symbolic front door to our nation’s capital and re-affirm our commitment to get back to business.

There is no time to get back to business, evident not just at National, but at airports across the country. We have increased security measures at all airports, which in turn, have increased our sense that freedom has triumphed fear.

It’s important to recognize, though, that the lack of convenience resulting from increased security measures cannot, and should not, be misconstrued as a loss of liberty. Let us not confuse the longer lines at airports and the time-consuming baggage screenings as threats to liberty; instead, consider these measures as threats to terrorism.

We are witnessing America’s most important moment, and we are meeting the challenge with dignity and pride. With the current threat of international tyranny has tried to mute the freedom that rings throughout our nation. We have defeated similar efforts in the past, and we will defeat them again. As long as we stand unified and stand strong, our spirit will never be silenced.

The solidarity shown at the different levels of government of the past few weeks, within the various agencies, and across party lines has been unavailing. Here in the Senate, we swiftly approved legislation to provide $40 billion toward the recovery effort and to help finance the retaliation measures currently being developed by the U.S. Military under the direction of the President. In addition, we approved a resolution authorizing the use of force in response to the unwarranted attacks. Without question, this unity is an extraordinary asset for a country poised against terrorism.

A few weeks ago, at Yankee Stadium in New York, and earlier at the National Cathedral in Washington, DC, thousands of people—Muslims, Jews, Hindus, Christians—people of all faiths,came together and honored and remembered the fallen heroes, the innocent lives, and the bright futures claimed by terrorism. At these services, and at services across the country and in my home state of Nebraska, people revived their spirits and their faith in democracy.

These gatherings are visual displays of unity signaling that America is on the mend. Sure, for some of us, it may not ever feel like ‘business as usual’ again. But as we have said, we can feel America may feel more like business as ‘unusual.’ Nonetheless, it is important for us policymakers to get back to work, including debate and discussion of all these issues. Such action will help ensure the continued viability of democracy and the continued vitality of the United States of America. After all, lockstep agreement among policymakers is not an American ideal. The free exchange of ideas, which helped America flourish, was the terrorists’ true target on September 11. The terrorists, who likely don’t even understand the true meaning of freedom, loathe America’s system of government, her ideals and her liberty.

In retrospect, we must show the world how the American government will carry on, that the people will continue to have their say, and that debate will still be the prelude to unity—and not the construct of obstruction.

To be clear, I am not saying we, as a nation, will no longer be unified in this effort to combat terrorism. I am simply saying that we all need to actively participate in developing, not simply rubber-stamping, policy.

As a legislature, we must show the world how the American government will carry on, that the people will continue to have their say, and that debate will still be the prelude to unity—and not the construct of obstruction.

But, we also have a solemn obligation to the American people and our Constitution. Then, and only then, we will have successfully given back to the country that has given so much to each of us.

ADDITIONAL STATEMENTS

MAJOR GENERAL EDWARD SORIANO

Mr. ALLARD. Madam President, I rise today to honor a great military leader, MG Edward Soriano, the outgoing commanding general of 7th Infantry and Fort Carson, CO. Major General Campbell will assume command and General Soriano will be moving on to greater responsibilities. As he and his wife Vivian depart Ft. Carson, they leave with a record of outstanding public service and numerous significant accomplishments.

Among these accomplishments is the Army’s first housing privatization project. This project, a major success, is ahead of schedule, and is now a model for military installations throughout the country. Additionally, General Soriano has overseen numerous successful deployments of units, including the deployment of the 3rd Armored Cavalry Regiment to Bosnia. Now, as our military forces conduct the war on terrorism, it is evident that the service members and their families of Ft. Carson will benefit greatly from his work.

His efforts to improve the readiness and capability of Ft. Carson and its units has met with great success and will have a long lasting and significant positive impact on the soldiers and civilians who live and work there. Furthermore he has ensured that Ft. Carson will provide our President and Secretary of Defense a first class platform from which to deploy military power.

General Soriano has done his excellent work on the facilities at Ft. Carson, and his work has been recognized. He has been in preparing the war fighting capability of its people. The soldiers and civilians at Ft. Carson are among the best in the Army, and are proven performers. Any venture managed by the men and women of “The Mountain Post” will certainly meet with success.

Finally, General Soriano and his wife have developed and nurtured an outstanding working relationship with the people of Colorado Springs, surrounding local communities, and the
nearby Air Force Bases. They will be sorely missed, but they leave an organization committed to the pursuit of excellence. I wish him good luck and God speed.

COMMENDING WILLIAM F. HOFMAN

Mr. KENNEDY. Madam President, I welcome this opportunity to commend a distinguished citizen of Massachusetts, Mr. William F. Hofman III of Belmont, who is now completing his highly successful term as president of the nation’s largest insurance association—the Independent Insurance Agents of America.

Bill is partner in Provider Insurance Group, which has offices in Belmont, Brookline and Needham in Massachusetts, and his career has long been notable for his outstanding contributions, and dedication to his community and his profession.

Bill began his service in the insurance industry with the Massachusetts Association of Insurance Agents where he served as president. He also served the State as its representative on the national board of the Independent Insurance Agents of America.

Bill was elected to IIA’s Executive Committee in 1995, and became its president last fall. He has worked effectively through the IIA to strengthen the competitive standing of independent insurance agents by helping to provide the support they need to run more successful businesses. He served as chairman of IIA’s Education Committee for four years, and in 1994 he received a Presidential Citation for his work in this area.

For many years, Bill has also been an active and concerned member of his community. He served as president and as a member the Board of Directors for the Boston Children’s Service, and has been with the Belmont Youth Basketball program. He served as chairman of the Belmont Red Cross, and as treasurer for the Belmont Religious Council. Bill is an elected town meeting member, finance committee member, and registrar of voters in Belmont. I commend Bill for his leadership in all these aspects of his brilliant career, and I know he will continue his service to our community in the years ahead. Massachusetts is proud of him for all he has done so well.

THE STATE OF IDAHO’S PROCLAMATION OF WORLD POPULATION AWARENESS WEEK

Mr. CRAPO. Madam President, I rise today to enter into the RECORD a proclamation signed by the Governor of the State of Idaho.

Rapid population growth and urbanization have become catalysts for many serious environmental impacts and they apply substantial pressures on many facets of our infrastructure. These pressures often result in transportation, health, sanitation, and public safety problems, making urbanization an issue that cannot be ignored.

It is, therefore, important for us to recognize the problems associated with rapid population growth and urbanization. The Governor of the State of Idaho has proclaimed October 21-27, 2001 as World Population Awareness Week in my State. I would like to commend the Governor for his commitment to this issue.

I ask that the proclamation be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the world population stands today at more than 6.1 billion and increases by some one billion every 13 years; and

Whereas, the most significant feature of the 21st century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, developing and urban areas today occupy only 2% of the earth’s land, but contain 50% of its population and consume 75% of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with the advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in security, health and crime problems, as well as detracting the provision of basic social services; and

Whereas, in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

Whereas, World Population Awareness Week was proclaimed last year by Governors of 32 states, as well as Mayors of more than 315 United States cities, and co-sponsored by 231 organizations in 63 countries; and

Whereas, the theme of World Population Awareness Week in 2001 is “Population and the Urban Future”;

Now, therefore, I, Dirk Kempthorne, Governor of the State of Idaho, do hereby proclaim the week of October 21 through 27, 2001, as the World Population Awareness Week in Idaho and urge all citizens of our state to take cognizance of this event and to participate appropriately in its observance.

SPINA BIFIDA AWARENESS MONTH

Mr. BROWNBACK. Madam President, I rise today to alert my colleagues that October is Spina Bifida Awareness month.

Many Americans don’t know much about Spina Bifida. For instance, most don’t know Spina Bifida is a neural tube defect and occurs when the central nervous system does not properly close during the early stages of a child’s development in the womb. Even fewer Americans realize that the most severe form of Spina Bifida occurs in 96 percent of children born with this disease. However, thanks to the good work that the Spina Bifida Association of America is carrying out to promote awareness of this condition, we are all learning more every day.

During the month of October the Association makes a special push to increase public awareness about Spina Bifida, and future parents about prevention. Simply by taking a daily dose of the B vitamin, folic acid, found in foods such as milk and spinach, child-bearing age have the power to reduce the incidence of Spina Bifida by up to 75 percent. That such a simple change in habit can have such a profound effect should leave no question as to the importance of awareness.

However, awareness is not the only important work done by the Spina Bifida Association of America. The Association was founded in 1973 to address the needs of the Spina Bifida community and is currently the only national organization solely dedicated to advocating on behalf of the Spina Bifida community. There are more than 60 chapters serving over 100 communities nationwide.

One such chapter in Wichita, KS, started by Tammy and Tim Wolke. Tammy and Tim have four children, two of whom are adopted. Not only do these heroic parents care for one child born with Spina Bifida, but also a child with cerebral palsy. But caring for their own children hasn’t been enough to keep Tammy and Tim busy. So, in their “free time,” the Wolkes have developed and cultivated a chapter of the Spina Bifida Association of America which serves about 200 families in their part of Kansas.

As we discuss the wonderful work of the Spina Bifida Association of America and the Wolkes, I would be remiss if I failed to mention another great Kansan. In 1988, the Association established a scholarship fund to enhance opportunities for individuals with Spina Bifida to achieve their full potential through higher education. This year’s four year scholarship of $20,000 was recently awarded to Jennifer Maxwell of Derby, KS. THANKS, Jennifer. Through this scholarship, Jennifer will be able to attend the school of her dreams at the University of Kansas. Jennifer is a truly amazing person who wants to become a pediatric surgeon and study abroad in Nepal. As if those goals weren’t lofty enough, Jennifer hopes to one day climb Mount Everest. Jennifer wants to improve the lives of others who have not been as fortunate as she. This scholarship will start her down this path. I wish her the best of luck as she begins her academic life this fall as a Jayhawk.

I would also be remiss if I failed to mention that this evening, the Spina Bifida Association of America will be holding its 13th annual event to benefit the Association and its work in local communities around the country. Washington Post Sports columnist, Tony Kornheiser will be roasted at this event by a number of distinguished members of the Washington community. I would like to join my colleagues Senator CLINTON and Representative STEVE LARGENT. I regret that I will be unable to join my friends
tonight, but wish to commend the Association for all of its hard work to prevent and reduce suffering from this birth defect and to improve the lives of those 70,000 individuals living with Spina Bifida throughout our Nation. I wish the Spina Bifida Association of America luck in its endeavors and urge all of my colleagues and all Americans to support its important efforts.

God bless the Spina Bifida Association and God bless America.

TRIBUTE TO LIEUTENANT COMMANDER RONALD JAMES VAUK
Mr. CRAIG. Madam President, today I wish to pay tribute to a wonderful man, Lieutenant Commander Ronald James Vauk, whose life was cut short on September 11, 2001, while he was doing what he loved to do, serving his country. He was a Reservist on duty as Watch Officer at the National Command Center when terrorists attacked the Pentagon in Washington, D.C. This tragedy was not only a savage blow to the United States, but will forever be remembered in the hearts and minds of a loving and strong Idaho community, and many loyal friends.

Ron was a devoted husband and good father who was born to Dorothy and Hubert Vauk and raised in Nampa, ID. He was the youngest of nine children and attended St. Paul’s Catholic School and Nampa High School, graduating in 1982. I had the pleasure of recommending Ron for an appointment to the United States Naval Academy after he served a year as an enlisted sailor. He graduated the Naval Academy in 1987 and married an incredible young woman by the name of Jennifer Mooney. Ron had an exemplary career as a Naval Officer and submariner, serving on both the USS Glenard P. Lipscomb and the USS Oklahoma City. His Navy career continued with his service as a Reservist and a project manager for the Delex Corporation and then as an assistant group supervisor in submarine technology for the Johns Hopkins University Applied Physics Laboratory. Ron’s work at Johns Hopkins was extremely important, but he was always ready to serve our Nation as a Naval Reserve Officer whenever called upon. He was a quiet genius who wasn’t afraid to work hard to get the job done. And, he was a very good man who loved his family and was devoted to his wife Jennifer and their pride and joy, Liam, who is almost four years old. The entire family is excited and looking forward to the upcoming birth of Ron and Jennifer’s second child, expected in November at the Naval Community.

Ron will also be sorely missed by his parents, Dorothy and Hubert, and their eight other grown children. Ron’s brothers and sisters all came together to be with Jennifer and son Liam at their home at 121 West Spring Street in New Albany, Indiana, the “Lee H. Hamilton Federal Building and United States Courthouse.”

The message also announced that the House has disagreed to the amendment of the Senate to H.R. 2904 (Mr. BYRD) 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.
MESSAGE FROM THE HOUSE

At 7:18 p.m., message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

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

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

MEASURES REFERRED

The following bills were read the first time, and the second times by unanimous consent, and referred as indicated:

H.R. 189. An act to require that Federal agencies bear accountability for violations of antidiscrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

H.R. 191. An amendment to the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 1384. An act to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; to the Committee on Energy and Natural Resources.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2365. An act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of archaeological and historical sites on that property, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2666. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4217. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revised Revision to Cost Limits for Native American Housing" (RIN2577–AC14) received on October 1, 2001; to the Committee on Indian Affairs.

EC–4217. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Department of Education, received on September 26, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4219. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (RIN0385–AC14) received on October 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4220. A communication from the Secretary of Labor, transmitting, pursuant to law, the Annual Report on the Operations of the Office of Workers Compensation Programs, transmitted, pursuant to law, the commercial inventory report; to the Committee on Governmental Affairs.

EC–4222. A communication from the Director of the Office of Personnel Management, Office of Insurance Programs, transmitting, pursuant to law, the report of a rule entitled "Suspension of Enrollment in the Federal Employees Health Benefits Program for 2001; Final Regulation on Octaval Allotments for Health Insurance Premiums" (RIN3206–AJ16) received on October 1, 2001; to the Committee on Governmental Affairs.

EC–4223. A communication from the Director of the Office of Personnel Management, Office of Insurance Programs, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention" (RIN0694–AC43) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4225. A communication from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Program—Core and Intermediary Components" received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4226. A communication from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Freeze of Additional Endozone Tolerance" (RIN2453–AC09) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4227. A communication from the Secretary of Energy and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relative to the Biomass Research and Development Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations" (Doc. No. 99–092) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume in进来Red Seedless Grapefruits" (FRL1641–01FR) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4230. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate" (Doc. No. FV01–948–21FR) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4231. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis: Tolerances for Emergent Agricultural Commodities; Final Rule" (RIN8847–AC12) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4232. A communication from the Deputy Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "ivre and/or Waiver of Advance Notification Requirement to Import Acetone, 2-Butanone (MEK), and Toluene" (RIN1117–AAA8) received on October 1, 2001; to the Committee on the Judiciary.

EC–4233. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on the Judiciary.

EC–4234. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the 2000 Activities of the Administrative Office of the United States Courts; to the Committee on the Judiciary.

EC–4235. A communication from the Acting Director of Endangered Species, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Scaleshell Mussel" (RIN1018–AF57) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4236. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Wyoming Salamander" (RIN1018–AF59) received on October 1, 2001; to the Committee on Environment and Public Works.
EC–4238. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled Clean Air Act Approval of Operating Permit Program Revision: West Virginia” (FRL7073-3) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4240. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Full Approval of Operating Permit Program: West Virginia” (FRL7074-7) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4241. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Full Approval of Operating Permit Program Revision: West Virginia” (FRL7073-9) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4242. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Final Full Approval of Operating Permits Program in the State of Florida” (FRL7072-1) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4243. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District” (FRL7098-9) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4244. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act (CAA) Full Approval of Operating Permits Program in the State of Florida” (FRL7072-1) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4245. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act (CAA) Final Full Approval of Operating Permits Program: State of Idaho” (FRL7074-7) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4246. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act (CAA) Full Approval of Operating Permits Program and Approval and Promulgation of Implementation Plans; State of Arkansas; New Source Review (NSR)” (FRL7072-2) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4247. A communication from the Deputy Director, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the Air Force Academy, Colorado; to the Committee on Armed Services.

EC–4248. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Domestic Source Restrictions—Roller Bearings and Vessel Propellers” (Case 2000–D301) received on October 1, 2001; to the Committee on Armed Services.

EC–4249. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Use of Recovered Customs Service, Department of the Treasury” (FRL7098-9) received on October 1, 2001; to the Committee on Armed Services.

EC–4250. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Approval of Operating Permit Program Revision: West Virginia” (FRL7073-3) received on October 1, 2001; to the Committee on Armed Services.

EC–4251. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Cost or Pricing Data Threshold” (Case 2001–D326) received on October 1, 2001; to the Committee on Armed Services.

EC–4252. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Memorandum of Understanding—Section 8(a) Program” (Case 2001–D99) received on October 1, 2001; to the Committee on Armed Services.

EC–4253. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the Auxiliary Cargo and Ammunition Ship Live Fire Test and Evaluation Plan; to the Committee on Armed Services.

EC–4254. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Name Change of User Fee Airport in Ocala, Florida” (T.D. 01–69) received on September 26, 2001; to the Committee on Finance.

EC–4255. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Rev. Rul. 97–31—Modification of Employment Tax Treatment of Payment of Premiums under a Retirement Plan” (Rev. Rul. 2001–48) received on October 1, 2001; to the Committee on Finance.

EC–4256. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions Amend Class E5 Airspace, Ocracoke, NC” (RIN2120–AA66)(2001–0154) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Request for Comments Goodyear Tire and Rubber Company Flight Eagle Tires, 3492.25–3007 Turbofan Series Engines” ((RIN2120–AA66)(2001–0491)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled “Liabilities Assumed in Certain Corporate Transactions” (RIN1545–AY55) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Regulations Unit, Internal Revenue Service, Department of the Treasury, trans-
United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Jacksonville, Florida; Florida East Coast Marine Trunk Channel 01–959)” (RIN2115–AA79(2001–0114)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Pascatagua River, ME” (RIN2115–AA78(2001–0073)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Harlem River, MA” (RIN2115–AA78(2001–0074)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Piscataqua River, ME” (RIN2115–AA78(2001–0073)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Rochester, New York” (RIN2115–AA79(2001–0109)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Snell and Eisenhower Bridges, Lake Ontario, Rochester, New York” (RIN2115–AA79(2001–0110)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Ontario, Oswego, New York” (RIN2115–AA79(2001–1111)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; St. Croix, U.S. Virgin Island (COTP San Juan 01–998)” (RIN2115–AA79(2001–1112)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; St. Lawrence River, Massena, New York” (RIN2115–AA79(2001–0112)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4278. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01–101)” (RIN2115–AA79(2001–0106)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4279. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Tomlinson Bridge, New York” (RIN2115–AA79(2001–0107)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4280. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01–097)” (RIN2115–AA79(2001–0105)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4281. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Temporary Flight Restrictions; Miscellaneous Amendments” (RIN2115–AA79(2001–0104)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4282. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Prohibition Against Certain Flying in the vicinity of呵ls or other locations in the Vicinity of New York, NY” (RIN2120–AH13(2001–0103)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4283. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01–097)” (RIN2115–AA79(2001–0107)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4284. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Security Control of Air Traffic: request for comments” (RIN2120–AH25(2001–0108)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4285. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01–097)” (RIN2115–AA79(2001–0107)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4286. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan and Taliban-Controlled Areas” (RIN2120–AA55(2001–0061)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4287. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures: Miscellaneous Amendments (102); amdt. no. 2067 (9–10–97)” (RIN2120–AA65(2001–0050)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4288. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for International Affairs, Office of the Secretary, received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of the rule entitled “FMP for the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 60 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Amendment 58 to the FMP for Groundfish of the Gulf of Alaska, and Amendment 10 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands” (RIN0648–AL65) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of the rule entitled “FMP for Groundfish of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 60 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area” received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4291. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, the report of the rule entitled “Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements” received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4292. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend section 307 of the Balanced Budget Act of 1997 to allow auction deadlines for spectrum bands; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN for the Committee on Foreign Relations:

“Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.”


Contributions, Amount, Date, and Donee:


S10153
Committee; $100, June 14, 2000, Pete Sessions (for U.S. Congress); $50, June 14, 2000, Republican National Committee; $1,000, June 20, 2000, Good Government Fund; $600, February 23, 1999, Bakers & Botts Bluebonnet Fund; $1,000, March 17, 1999, Bush for President; $1,000 (general), April 8, 1999, Senator Kay Bailey Hutchison; $1,000 (primary), April 8, 1999, Senator Kay Bailey Hutchison; $300, November 17, 1999, Baker & Botts Bluebonnet Fund; $500, December 9, 1999, Congressman Pete Sessions; $600, March 23, 1998, Baker & Botts Bluebonnet Fund; $1,000, March 17, 1999, Bush for President; $1,000 (general), April 8, 1999, Senator Kay Bailey Hutchison; $1,000 (primary), April 8, 1999, Senator Kay Bailey Hutchison; $300, November 17, 1999, Baker & Botts Bluebonnet Fund; $500, December 9, 1999, Congressman Pete Sessions; $600, March 23, 1998, Baker & Botts Bluebonnet Fund.


Parents: Philip L. Jordan (deceased); Eloise W. Jordan (deceased).

Grandparents: Gilbert and Edna Wood (deceased); Francis and Marie Jordan (deceased). Isaac W. Jordan (deceased).

Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. EDWARDS (for himself and Mr. HAGEL).

S. 1490. A bill to ensure that the United States is prepared for an attack using biological or chemical weapons; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON).

S. 1497. A bill to amend the Internal Revenue Code of 1986 to encourage the patronage of the hospitality, restaurant, and entertainment industries of New York City; to the Committee on Finance.

By Mr. ROCKEFELLER (for request): S. 1498. A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, to make modifications in the veterans’ educational assistance program, to make permanent certain temporary authorities, and for other purposes; to the Committee on Veterans’ Affairs.

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1499. A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. MILLER):

S. 1491. A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mr. MILLER):

S. 1492. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to the families of Federal employees and for other purposes; to the Committee on Finance.

S. 1493. A bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. KERRY, Mr. GRAHAM, Mr. HAGEL, Mr. NELSON of Florida, Mr. CLELAND, and Mr. CARPER):


By Mr. McCAIN, Mr. KERRY, Mr. GRAHAM, Mr. HAGEL, Mr. NELSON of Florida, Mr. CLELAND, and Mr. CARPER:

S. Res. 167. A resolution recognizing Ambassador Douglas ‘‘Pete’’ Peterson for his service to the United States as the first American ambassador to Vietnam;

By Mr. McCAIN, Mr. KERRY, Mr. GRAHAM, Mr. HAGEL, Mr. NELSON of Florida, Mr. CLELAND, and Mr. CARPER:

ADDITIONAL COSPONSORS

September 21, 2001 S. Res. 169

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DeWINE), the Senator from Colorado (Mr. CAMPBELL), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mrs. LEAHY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FIRST), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from New York (Mr. HELMS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kentucky (Mr. RUNNING), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. ALLEN), the Senator from Oregon (Mr. SMITH), the Senator from West Virginia (Mr. BROWNBACK), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maine (Mrs. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. WALLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Florida (Mr. NELSON), the Senator from New York (Mr. SCHUMER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Texas (Mrs. Hutchison), the Senator from New Jersey (Mr. Mikulski, Mr. Reid, Mr. SARBANES, Mr. Schumer, Mr. Smith of Oregon, Ms. Stabenow, and Mr. Wallstone):
CORZINE), the Senator from Tennessee (Mr. Thompson), the Senator from Indiana (Mr. Lugar), the Senator from Ohio (Mr. Voinovich), the Senator from Kentucky (Mr. Mcconnell), the Senator from Mississippi (Mr. Lott), the Senator from Hawaii (Mr. Akaka), the Senator from Louisiana (Ms. Landrieu), the Senator from Illinois (Mr. Durbin), the Senator from Louisiana (Mr. Breaux), the Senator from Minnesota (Mr. Dayton), the Senator from Wyoming (Mr. Enzi), the Senator from Wyoming (Mr. Enzi), and the Senator from New Hampshire (Mr. Smith) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as “Family History Month.”

September 24, 2001

S. 1454

At the request of Mrs. Carnahan, the names of the Senator from Virginia (Mr. Warner), the Senator from Massachusetts (Mr. Kerry), the Senator from Louisiana (Ms. Landrieu), and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. Res. 160

At the request of Mr. Hatch, the names of the Senator from Montana (Mr. Burns), the Senator from Idaho (Mr. Crapo), the Senator from Nebraska (Mr. Hagel), the Senator from Wisconsin (Mr. Kohl), the Senator from Michigan (Mr. Levin), the Senator from Maryland (Ms. Mikulk1ski), the Senator from Alabama (Mr. Shelby), the Senator from Maryland (Mr. Sarbanes), the Senator from Washington (Ms. Murray), and the Senator from Florida (Mr. Graham) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as “Family History Month.”

Amendment No 1099

At the request of Mr. Lott, the names of the Senator from Maine (Ms. Snowe), the Senator from Maine (Ms. Collins), the Senator from Alaska (Mr. Stevens), the Senator from Louisiana (Ms. Landrieu), and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of amendment No. 1099 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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.

S. 1259

At the request of Mr. Lott, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Louisiana (Mr. Breaux) were added as cosponsors of amendment No. 1099 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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.

October 3, 2001

S. 1265

At the request of Ms. Collins, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 525

At the request of Mr. Graham, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 543

At the request of Mr. Wellstone, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 543, a bill to provide for initial coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 666

At the request of Mrs. Lincoln, the name of the Senator from Indiana (Ms. Bayh) was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 1037

At the request of Mr. Dodd, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1165

At the request of Mr. Biden, the name of the Senator from South Dakota (Mr. Daschle) was added as a co-sponsor of S. 1165, a bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes.

S. 1224

At the request of Mr. Allard, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1236

At the request of Mrs. Feinstein, the name of the Senator from Georgia (Mr. Miller) was added as a cosponsor of S. 1236, a bill to reduce criminal gang activities.

S. 1238

At the request of Mrs. Feinstein, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 1238, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1276

At the request of Mr. Reid, the name of the Senator from Oregon (Ms. Smith) was withdrawn as a cosponsor of S. 1276, a bill to require the Secretary of the Interior to conduct a study theme to identify sites and resources to commemorate and interpret the Cold War.

S. 1279

At the request of Mrs. Lincoln, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a co-sponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1339

At the request of Mr. Campbell, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIA's, and for other purposes.

S. 1379

At the request of Mr. Kennedy, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1394

At the request of Mr. Specter, the names of the Senator from Illinois (Mr. Durbin), the Senator from Michigan (Mr. Levin), and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 1334, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.
The Assistant Secretary of Veterans Affairs shall make an additional adjustment in the rates of compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, to make modifications in the veterans home loan guaranty program, to make permanent certain temporary authorities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it will be my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This “by-request” bill is titled the “Veterans' Benefits Act of 2001.” It would, among other things, authorize a cost-of-living adjustment for fiscal year 2002 for VA disability compensation, make modifications the VA home loan guaranty program, and make permanent certain temporary authorities.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 1488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans' Benefits Act of 2001”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

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

Section 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—COMPENSATION PROGRAM

Sec. 101. Increase in compensation rates and limitations.

Sec. 102. Rounding down of cost-of-living adjustment.

Sec. 201. Increase in compensation rates and limitations.

Sec. 202. Rate adjustment.

Sec. 203. Procedures on default.

TITLE III—TEMPORARY AUTHORITIES MADE PERMANENT

Sec. 301. Information verification authority.

Sec. 302. Limitation on pension for certain recipients of Medicaid-covered nursing home care.

Sec. 303. Health-care and medication copayments.

Sec. 304. Third-party insurance collections.

TITLE I—COMPENSATION PROGRAM

TITLES

S. 1488

By Mr. ROCKEFELLER (by request):
SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out C-

CODE 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.

SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) Compensation COLAs.—Section 1104(a) is amended by striking out “fiscal years 1998 through 2002.”
(b) DIC COLAs.—Section 1103(a) is amended by striking out “fiscal years 1998 through 2002.”

TITLE II—HOUSING LOANS

SEC. 201. VENDED LOAN AUTHORITY.

(a) Termination of Vended Loan Authority.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

“(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary.”

(b) Internal Revenue Code Amendment.—Section 6106(1)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out “Clause (viii) shall not apply after Sep-

CODE OF 1986, is amended by striking out “fiscal years 1998 through 2002.”

SEC. 302. LIMITATION ON PENSION FOR CERTAIN BENEFICIARY CLAIMS.
amount and VA is likely to increase the amount during FT 2002. This section is subject to the PAYGO requirement of OBRA; however, the PAYGO effect would be zero because OBRA requires that collections be assumed in the baseline. Assuming continuation of only a $2 copayment, enactment of this section would result in collections of $100 million over the period FYs 2002-2006, $175 million over the period FYs 2002-2007, and $1 billion over the period FYs 2002-2011. In addition, enactment of this section would allow VA to implement the provisions authorized by this draft bill would result in a total PAYGO cost of $19 million.

The Office of Management and Budget has advised that there is no objection to the submittal of this report to the Committee and that its enactment would be in accord with the program of the President.

Sincerely yours,

ANTHONY J. PRINCIPE

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1490. A bill to provide for the sharing of information between Federal departments, agencies, and other entities with respect to aliens seeking admission to the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 1490. A bill to establish terrorist lookout committees in each United States Embassy; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1495. A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien; to the Committee on the Judiciary.

Ms. SNOWE. Madam President, I rise today to introduce three bills that will provide our first line of defense, our Consular Officers at our embassies and INS Inspectors at our ports-of-entry, with the resources and information they need to determine whether to grant a foreign national a visa or permit them entry to the United States. They are: The Terrorist Lookout Committee Act, the Visa Fingerprinting Act, and the Information Sharing to Strengthen America’s Security Act.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my twelve years as ranking member of the House Foreign Relations Committee.

This bill requires all U.S. law enforcement agencies and the intelligence community to establish a cadre of reports officers to distill and disseminate terrorism-related information once it is collected.

While intelligence is frequently exchanged, no law requires law enforcement and intelligence agencies to share information on dangerous aliens with the State Department. The information sharing that does occur among agencies is haphazard and bureaucratic.

Accordingly, the first bill I am introducing, the Information Sharing to Strengthen America’s Security Act, requires all U.S. law enforcement agencies and the intelligence community to share information on foreign nationals with the State Department so that visas can be granted with the assurance that the sum total of the U.S. government has no knowledge why an alien should not be granted a visa to travel to the U.S.

This bill increases the information sharing among our law enforcement agencies, our intelligence community, and the State Department, so that foreign nationals who pose any threat to the interests of the U.S. Government to be associated with, or members of, terrorist organizations are denied a visa. This includes the FBI, DEA, INS, Customs, CIA and the Defense Intelligence Agency, DIA, and all interagency in the war on terrorism.

The second bill I am introducing—the Terrorist Lookout Committee Act—builds on the Information Sharing to Strengthen America’s Security Act by requiring a Terrorist Lookout Committee to be established in every one of our embassies. This committee, which would be chaired by the Deputy Chief of Mission and would consist of the senior representatives of all law enforcement agencies and the intelligence community. The purpose of the mandated monthly meeting is to provide a forum for these officials to add the knowledge to the State Department’s Consular Lookout and Support System, CLASS, of those who are considered dangerous aliens and, if they applied for a visa, should undergo a thorough review and possible denial of the visa.

If no names are submitted to the list, then the chair is required to certify, subject to an Accountability Review Board, that no member had knowledge of any name that should be included. This requirement will elevate awareness of, and focus constant attention on, the most accurate and current information possible. Finally, quarterly reports by the Secretary of State are to be submitted to the House International Relations Committee and the Senate Foreign Relations Committee.

To ensure that the foreign national who received the visa from our Embassy is the same person using it to enter the United States, I have introduced the Visa Fingerprinting Act. This bill requires any of the State and the INS Commissioner to jointly establish and implement a fingerprint-backed check system. Foreign nationals would be fingerprinted before a visa could be issued, with information catalogued in a database accessible to Immigration officials. INS authorities at port-of-entry would then be required to match fingerprint data with that of the foreign nationals seeking entry into the U.S., with the INS certifying to the match before permitting entry. My bill authorizes a one-time congressional expenditure to establish and implement the system, but the cost of operating the system would be funded through an increase in the visa service charge required for each visa.

The use of biometric technology such as fingerprint imaging, retinal and iris scans, and voice recognition, is no longer just a part of our science-fiction plot but has been used means of identity verification. The U.S. Government uses it at military and secret installations for access to both information and the installations themselves, Airports, such as Charlotte-Douglas International which utilizes iris scanning technology, have incorporated biometric technology to limit access to particular areas of the airport to authorized personnel only.

Interestingly, the INS already started down this road when, in 1998, it began to issue biometric crossing cards to Mexicans who cross the border frequently. These cards have a digital fingerprint image which, upon crossing, is
matched to the fingerprint of the person possessing the card.

The bottom line is, we must stop terrorists not only at their points of entry, but more critically, at their point of origin. In America’s war on terrorism, we can do no less.

By Mr. BOND:
S. 1993. A bill to forgive interest payments for a 2-year period on certain disaster loans to small businesses concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes; to the Committee on Finance.

Mr. BOND. Madam President, I rise today to introduce the “Small Business Leads to Economic Recovery Act of 2001.” The senseless terrorist attacks of September 11th have dealt a severe blow to the Nation and to our already struggling economy. The Small Business Administration estimates that 14,000 small businesses are within the disaster area in New York alone. These businesses clearly have been directly affected by this national disaster. But the economic impact does not stop there. For months small enterprises and self-employed individuals across the country have been struggling with the slowing economy. The recent terrorist attacks makes their situation even more dire.

In light of these events, the increasing calls from the small business community for economic stimulus legislation have understandably increased. As the Ranking Member of the Committee on Small Business and Entrepreneurship, I receive on a daily basis pleas for help from small business in Missouri and across the Nation: small restaurants who have lost much of their business due to the fall off in business travel; small schools that have been grounded as a result of the recent terrorist attacks; and Main Street retailers who are struggling to survive in the slowing economy. Clearly, we must act and act soon.

In response to these urgent calls for help, I have prepared the Small Business Leads to Economic Recovery Act of 2001, which is designed to provide effective economic stimulus in three distinct but complementary ways: increasing access to capital for the nation’s small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation’s largest consumers—the Federal Government—to shop with small business in America.

When the Disaster Relief Program at the Small Business Administration, SBA, was first established, the terrorist attack on New York City and the Pentagon was hardly contemplated. Now that we as a Nation are confronted with this nightmare, it is easy to see that are traditional approach to disaster relief will not be helpful to the thousands of small businesses located at or around the World Trade Center and the Pentagon.

In New York City, it may be a year or more before many of the small businesses destroyed or shut down by the terrorist attack can reopen their doors for business. Small firms near the Pentagon, such as those at the Reagan National Airport or Crystal City, Virginia, are also shut down or barely operating. And there are small businesses located in the United States that have been shut down for national security concerns. For example, General Aviation aircraft remain grounded, closing all flight schools and other small businesses dependent on single engine aircraft.

Regular small business disaster loans fall short of providing effective disaster relief to help these small businesses. Therefore, my bill will allow small businesses to defer for up to two years repayment of principal and interest on SBA disaster loans during the deferment period. Interest that would otherwise accrue during the deferment period would be forgiven. It is my intention that this essential new ingredient will allow the small businesses to get back on their feet with a fresh credit line or re-invest instead of divesting them into bankruptcy.

Small enterprises located in the presidentially declared disaster areas surrounding the World Trade Center and the Pentagon are not the only businesses to suffer from these terrorist attacks. The small business sector is the backbone of the Nation’s small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation’s largest consumers—the Federal Government—to shop with small business in America.

When the Disaster Relief Program at the Small Business Administration, SBA, was first established, the terrorist attack on New York City and the Pentagon was hardly contemplated. Now that we as a Nation are confronted with this nightmare, it is easy to see that are traditional approach to disaster relief will not be helpful to the
As a result, 60 percent of the private-capital potentially available to these SBICs is effectively "off limits." The Small Business Leads to Economic Recovery Act of 2001 corrects this problem by eliminating government-guaranteed SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI recordkeeping or tax liability. More importantly, this change in the law could double the amount of private capital being invested in small businesses through the Debenture SBIC program.

The access-to-capital provisions of the bill will go a long way toward easing the cash-flow burdens that small firms are now facing, but we can also tackle this problem from another perspective, reducing the tax burden of small businesses accordingly. The second component of my Small Business Leads to Economic Recovery Act provides substantial tax relief for small businesses. These provisions hold the greatest appeal, in my opinion, for fast and effective tax stimulus for small enterprises.

First and foremost, this bill would permit small businesses to expense substantially more of their new equipment purchases by raising the current limit on the percentage of capital bought for tax purposes to 100 percent of cost. In addition, for small businesses that cannot qualify for expensing, the bill reduces the depreciation period for new computers, peripheral equipment and software to two years.

Together, these provisions have several important advantages for America's small businesses, especially in light of the current economic conditions. By allowing more equipment purchases to be deducted currently and reducing the recovery period for technology purchases that must be depreciated, we enable much-needed capital for small businesses. With that freed-up capital, a business can invest in new computer equipment, which will benefit the small enterprise and, in turn, stimulate the sagging technology industry. Finally, new computer equipment will contribute to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has stressed is essential to the long-term vitality of our economy.

Finally, these modifications will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to the onerous depreciation rules. And for businesses that cannot qualify for expensing, shortening the recovery period for computer equipment from the current five-year period will add some common sense to the tax law. Since most computer users have outdated their usefulness after four years, let alone five years, too many businesses are left to depreciate this property long after it has become obsolete.

In short, the equipment-expensing and depreciation changes I propose are a win-win for small businesses, the technology industry, and our national economy as a whole. But we do not stop there. The bill also addresses the limitations many small firms face with regard to the automobiles, light trucks and vans that are so essential to their operations.

Specifically, the Small Business Leads to Economic Recovery Act amends the provisions under section 280F of the tax code, which currently prohibit a small business from claiming a full depreciation deduction if the vehicle costs more than $14,460, for vehicles placed in service in 2000. Although these limitations have been subject to inflation adjustments since they were adjusted in 1986, they have not kept pace with the actual cost of new vehicles in most cases. For many small businesses, the use of a car, light truck or van as a capital asset for transporting personnel to sales and service appointments and for delivering their products. Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deductions on vehicles costing less than $25,000, which will continue to be indexed for inflation.

This provision of the bill will help ease the cash flow strains for many small businesses, forestalling critical capital that can be used for investments in new business vehicles. In turn, purchases of new cars, light trucks or vans will offer much-needed stimulus for the nation's automotive industry. Again, multiple benefits for a small change in our tax code.

My bill also responds to the difficult times facing the nation's restaurant industry, which the National Restaurant Association estimates lost 60,000 jobs in September due to slower sales caused by slower economic conditions and the recent terrorist attacks. While by no means a complete solution, we can lend a hand to the restaurant industry, which is dominated by small businesses, by increasing the business-meals deduction to 100 percent. This will provide an incentive for businesses to return to their local restaurants, and at the same time assist non-restaurant businesses and the self-employed for whom business meals are an unavoidable cost of doing business.

At the National Women's Small Business Summit, which I hosted last June, a number of participants noted that unlike their larger competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While this meal is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.

In addition, many self-employed individuals like sales representatives spend enormous amounts of time on the road with no choice but to eat in restaurants while away from home. For these individuals the current 50 percent limitation on the deductibility of small business meals is a severe strain on cash flow, especially with the soft market conditions they face for selling their products and services. A 100 percent deduction will ease those strains and help ensure that our small businesses will continue to qualify for the AMT. As a result, a small corporation that can double the amount of private capital being invested in small businesses, the use of a car, light truck or van as a capital asset for transporting personnel to sales and service appointments and for delivering their products.

Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deductions on vehicles costing less than $25,000, which will continue to be indexed for inflation.

This provision of the bill will help ease the cash flow strains for many small businesses, forestalling critical capital that can be used for investments in new business vehicles. In turn, purchases of new cars, light trucks or vans will offer much-needed stimulus for the nation's automotive industry. Again, multiple benefits for a small change in our tax code.

My bill also responds to the difficult times facing the nation's restaurant industry, which the National Restaurant Association estimates lost 60,000 jobs in September due to slower sales caused by slower economic conditions and the recent terrorist attacks. While by no means a complete solution, we can lend a hand to the restaurant industry, which is dominated by small businesses, by increasing the business-meals deduction to 100 percent. This will provide an incentive for businesses to return to their local restaurants, and at the same time assist non-restaurant businesses and the self-employed for whom business meals are an unavoidable cost of doing business.

At the National Women's Small Business Summit, which I hosted last June, a number of participants noted that unlike their larger competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While this meal is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.

In addition, many self-employed individuals like sales representatives spend enormous amounts of time on the road with no choice but to eat in restaurants while away from home. For these individuals the current 50 percent limitation on the deductibility of small business meals is a severe strain on cash flow, especially with the soft market conditions they face for selling their products and services. A 100 percent deduction will ease those strains and help ensure that our small businesses will continue to qualify for the AMT. As a result, a small corporation that can double the amount of private capital being invested in small businesses, the use of a car, light truck or van as a capital asset for transporting personnel to sales and service appointments and for delivering their products.

Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deductions on vehicles costing less than $25,000, which will continue to be indexed for inflation.

This provision of the bill will help ease the cash flow strains for many small businesses, forestalling critical capital that can be used for investments in new business vehicles. In turn, purchases of new cars, light trucks or vans will offer much-needed stimulus for the nation's automotive industry. Again, multiple benefits for a small change in our tax code.

My bill also responds to the difficult times facing the nation's restaurant industry, which the National Restaurant Association estimates lost 60,000 jobs in September due to slower sales caused by slower economic conditions and the recent terrorist attacks. While by no means a complete solution, we can lend a hand to the restaurant industry, which is dominated by small businesses, by increasing the business-meals deduction to 100 percent. This will provide an incentive for businesses to return to their local restaurants, and at the same time assist non-restaurant businesses and the self-employed for whom business meals are an unavoidable cost of doing business.

At the National Women's Small Business Summit, which I hosted last June, a number of participants noted that unlike their larger competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While this meal is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.

In addition, many self-employed individuals like sales representatives spend enormous amounts of time on the road with no choice but to eat in restaurants while away from home. For these individuals the current 50 percent limitation on the deductibility of small business meals is a severe strain on cash flow, especially with the soft market conditions they face for selling their products and services. A 100 percent deduction will ease those strains and help ensure that our small businesses will continue to qualify for the AMT. As a result, a small corporation that can double the amount of private capital being invested in small businesses, the use of a car, light truck or van as a capital asset for transporting personnel to sales and service appointments and for delivering their products.

Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deductions on vehicles costing less than $25,000, which will continue to be indexed for inflation.

This provision of the bill will help ease the cash flow strains for many small businesses, forestalling critical capital that can be used for investments in new business vehicles. In turn, purchases of new cars, light trucks or vans will offer much-needed stimulus for the nation's automotive industry. Again, multiple benefits for a small change in our tax code.

My bill also responds to the difficult times facing the nation's restaurant industry, which the National Restaurant Association estimates lost 60,000 jobs in September due to slower sales caused by slower economic conditions and the recent terrorist attacks. While by no means a complete solution, we can lend a hand to the restaurant industry, which is dominated by small businesses, by increasing the business-meals deduction to 100 percent. This will provide an incentive for businesses to return to their local restaurants, and at the same time assist non-restaurant businesses and the self-employed for whom business meals are an unavoidable cost of doing business.

At the National Women's Small Business Summit, which I hosted last June, a number of participants noted that unlike their larger competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While this meal is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.
contracts to provide architectural and engineering services valued at $85,000 or more. It has been almost twenty years, and the ceiling has not been adjusted, not even once, to reflect inflation or other changes in the economy. My bill would increase this ceiling to $300,000, create new opportunities for contracting officers in Federal agencies to increase the number of contracts set aside for small businesses. It also the Federal Government’s policy that contracts valued at less than $100,000 be reserved for small businesses. This policy, however, is not followed by the General Services Administration, GSA, with respect to the Federal Supply Schedule, FSS. Too often contracts for less than $100,000 are filed by large businesses. Therefore, my bill would require that all Federal agency contracts, requirements or procurements valued at less than $100,000 be reserved for small businesses. Again, this change in the law would have an immediate positive effect by making more contracting opportunities available to small businesses.

For contracts for property or services not on the GSA’s FSS, my bill would require contracts valued at less than $100,000 be reserved for competition among small businesses registered on the SBA’s PRO-Net and the Central Contractor Register, CCR, at the Department of Defense, DoD. By using the contract registry that small businesses would know where to go to begin the process of competing for government contracts, and contracting officers would have at their fingertips a list of hundreds of thousands of small businesses listed by industry category.

My bill would provide for a six-month announcement period, which would be followed by a one year phase-in period during which 25 percent of the dollar value of all contracts valued less than $100,000 would be set aside for small businesses. After the first year, the set aside would increase to 50 percent in the second and subsequent years.

Minority-owned small businesses and small businesses located in economically distressed urban and rural areas are at a particular disadvantage when competing for Federal government contracts. My bill would offer improved opportunities for these small businesses as part of the disaster-recovery efforts. My bill would provide that when a contracting officer directs a contract to a HUBZone or 8(a) small businesses, the current ceiling on sole-source contracting would be removed. This change would apply only to the money that is appropriated by the Congress specifically targeted to the September 11 disaster-recovery effort.

The Small Business Leads to Economic Recovery Act is a comprehensive bill to help the Nation as well as the owners and employees of small businesses that are targeted and is designed to work tomorrow and in the immediate future. Now is not the time to focus on ten year plans and lengthy phase-in periods. Small businesses need help, today, and my bill will put cash in the business' bank account and in employees' pockets. Small businesses have been the champions of past economic recoveries. My bill gives small businesses the tools to accelerate a recovery, so the hopes and dreams that America's economic fortunes are reversed sooner rather than later.

Madam President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

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

S. 1493
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 'Small Business Leads to Economic Recovery Act of 2001'.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Deferment of disaster loan payments.
Sec. 4. Refinancing existing disaster loans.
Sec. 5. Emergency relief loan program.
Sec. 6. Economic recovery loan and financial assistance.

TITLE II—SMALL BUSINESS TAX PROVISIONS FOR ECONOMIC STIMULUS
Sec. 201. Amendment of 1986 Code.
Sec. 202. Increase in expense treatment of certain depreciable business assets for small businesses.
Sec. 203. Expensing of computer software.
Sec. 204. Modification of depreciation rules for computers and software.
Sec. 205. Adjustments to depreciation limits for business vehicles.
Sec. 206. Increased deduction for business meals.
Sec. 207. Modification of unrelated business income limitation on investments in certain debt-financed properties.
Sec. 208. Repeal of alternative minimum tax on individuals.
Sec. 209. Exemption from alternative minimum tax for small corporations.

TITLE III—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE
Sec. 301. Expansion of opportunity for small businesses to be awarded department of defense contracts for architectural and engineering services and construction.
Sec. 302. Procurements of property and services in amounts not in excess of $100,000 from small businesses.
Sec. 303. Sole Source Procurements of Property and Services under the 2001 Emergency Supplemental Appropriations Act for Recovery From and Response to Terrorist Attacks on the United States.

TITLE I—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE
SEC. 101. SHORT TITLE.
This title may be cited as the "Small Business Emergency Loan Assistance Act of 2001".

SEC. 102. DEFINITIONS.
In this title—
(1) the term ‘Administration’ means the Small Business Administration; and
(2) the term ‘covered loan’ means a loan made by the Administration to a small business concern—
(A) under section 7(b) of the Small Business Act (15 U.S.C. 636(b); and
(B) located in an area which the President has designated as a disaster area as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; and
(3) the term ‘small business concern’ has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 103. DEFERMENT OF DISASTER LOAN PAYMENTS.
(a) IN GENERAL.—Notwithstanding any other provision of law, payments of principal or interest on a covered loan shall be deferred, and no interest shall accrue with respect to a covered loan, during the 2-year period following the date of issuance of the covered loan.
(b) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in subsection (a), the payment of periodic installments of principal and interest with respect to a covered loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to a loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 104. REFINANCING EXISTING DISASTER LOAN PAYMENTS.
(a) IN GENERAL.—Any loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a covered loan under this Act, and the refinanced amount shall be considered to be part of the covered loan for purposes of this title.
(b) NO AFFECT ON ELIGIBILITY.—A refinancing under subsection (a) by a small business concern shall be in addition to any covered loan eligibility for that small business concern under this title.

SEC. 105. EMERGENCY RELIEF LOAN PROGRAM.
(a) BUSINESS LOAN AUTHORITY.—Section 7(c) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:
(1) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS
"(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has suffered, or that is likely to suffer, significant economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.
"(B) LOAN TERMS.—With respect to a loan under this paragraph—
"(i) purposes of paragraph (3)(A), participation by the Administration shall be equal to 95 percent of the balance of the financing outstanding at the time of disbursement of the loan;
"(ii) no fee may be required or charged under paragraph (18); and
"(iii) the applicable rate of interest shall not exceed a rate that is one percentage point above the prime rate as published in a national financial newspaper published each business day;
(2) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph would exceed $100,000;
(3) upon request of the borrower, repayment of principal due on a loan made under..."
SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is made with respect to a section or provision of this title, terms of an amendment shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. INCREASE IN EXPENSE TREATMENT OF CERTAIN INDISPENSABLE BUSINESS ASSETS FOR SMALL BUSINESSES.

(a) In General.—Section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—
"(A) In General.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $100,000.
"(B) Inflation Adjustment.—In the case of any taxable year beginning in a calendar year after 2001, the amount contained in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by
"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof.

(b) Expansions of Phase-Out of Limitation.—Section 179(b)(2) is amended to read as follows:

"(2) REDUCTION IN LIMITATION.—
"(A) In General.—The limitation under paragraph (1) for any taxable year shall be reduced (but not below the amount by which the cost of section 179 property for which a deduction is allowable without regard to this subsection) under subsection (a) for such taxable year in an amount equal to—

"(i) such dollar amount, multiplied by
"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof.

(c) Time of Deduction.—The second sentence of section 179(a) (relating to election to expense certain depreciable business assets) is amended by inserting "(or, if the taxpayer elects, for other taxable years if the property was purchased in such preceding year)" after "service".

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

SEC. 203. EXPANDING OF COMPUTER SOFTWARE.

(a) Computer Software Eligible for Expenses.—Section 179(d) (relating to computer software) is amended—

(1) INCREASE IN LIMITATION.—Section 179(d)(1) (relating to section 179 property) is amended to read as follows:

"(1) SECTION 179 PROPERTY.—For purposes of this section, the term "section 179 property" means property—

"(A) which is—
"(i) tangible property to which section 168 applies, or
"(ii) computer software (as defined in section 179(e)(3)(B)) to which section 179 applies,

"(B) which is section 1245 property (as defined in section 1245(a)(3)), and
"(C) which is acquired by purchase for use in the active conduct of a trade or business.

(b) No Computer Software Included as Section 191 Intangible.—

(1) In General.—Section 191(e)(3)(A) is amended—

"(A) In General.—Any computer software..."
by striking “50 percent” in the text and inserting “the allowable percentage”.

(b) ALLOWABLE PERCENTAGE.—Section 274(a) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

‘‘(2) ALLOWABLE PERCENTAGE.—For purposes of paragraph (1), the allowable percentage is—

‘‘(A) in the case of amounts for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during or incident to the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (2)(B) shall apply to such expenses.

(d) CONFORMING AMENDMENT.—The heading for subsection (n) of section 274 is amended by striking ‘‘50 PERCENT’’ and inserting ‘‘LIMITED PERCENTAGES’’.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 297. MODIFICATION OF DEFINITION OF BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) IN GENERAL.—Section 514(c)(6) (relating to acquisition indebtedness) is amended—

(i) by striking ‘‘include an obligation’’ and inserting ‘‘includes an obligation’’;

(ii) by inserting ‘‘(A) an obligation’’,

(iii) by striking the period at the end and inserting “, and”,

(iv) by striking “, or”,

(v) by striking ‘‘in subsection (b) shall be zero for any taxable year’’, and inserting ‘‘in subsection (b) shall be zero for any taxable year if the corporation’s average annual gross receipts for all 3-taxable-year periods ending before such taxable year does not exceed $10,000,000. For purposes of the preceding sentence, only taxable years beginning after December 31, 1997, shall be taken into account.’’.

(b) GROSS RECEIPTS TEST FOR FIRST 3-YEAR PERIOD.—Section 514(e)(1)(B) is amended to read as follows:

‘‘(B) for any year beginning after December 31, 2000, shall be substituted by applying ‘‘$7,500,000’’ for ‘‘$10,000,000’’ for the first 3-taxable-year period (or portion thereof) of the corporation which is taken into account under subparagraph (A).’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 301. EXPANSION OF OPPORTUNITY FOR SMALL BUSINESS TO BE AWARDED DEPARTMENT OF DEFENSE CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

Section 2855(b)(2) of title 10, United States Code, is amended by striking ‘‘$85,000’’ and inserting ‘‘$300,000’’.

SEC. 302. PROCUREMENTS OF PROPERTY AND SERVICES IN AMOUNT NOT IN EXCESS OF $100,000 FROM SMALL BUSINESSES.

(a) SMALL BUSINESS SET-ASIDES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

‘‘(1) Federal supply schedule items.—The head of an agency procuring items listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the items from a small business.

‘‘(2) OTHER GOODS AND SERVICES.—The head of an agency procuring property or services not listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the property or services from a small business or a small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)), and

(b) ALLOWABLE PERCENTAGE.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

‘‘(1) Federal supply schedule items.—Section 15(q)(1) of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 50 percent of the procurements described in subsection (q)(2) of that section

shall apply with respect to 50 percent of the procurements described in subsection (q)(2) of that section

(determined on the basis of amount).

(c) EFFECTIVE DATE.—Section 15(q) of the Small Business Act (as added by subsection (a) of this section) shall take effect on the first day of the first month that begins not less than 180 days after the date of enactment of this Act.

SEC. 303. SOLE SOURCE PROCUREMENTS OF PROPERTY AND SERVICES UNDER THE 2001 SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

Notwithstanding the provisions of sections 8(a)(1)(D)(ii)(I) and subsections (I) and (II) of section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 632(p)(5)), and

(b) the head of the procuring agency certifies that the property or services needed by the agency are of such an unusual and compelling urgency that the United States would be seriously harmed by use of competitive procedures, pursuant to—

(1) section 2304(c)(2) of Title 10, United States Code, or

(2) section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 632(p)(5)), and


DESCRIPTION OF PROVISIONS

TITLE I—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE

Section 101. Short Title

This section sets forth the title, ‘‘Small Business Leads to Economic Recovery Act of 2001.’’

Section 102. Definitions

This section provides the definitions of key words used in Title I.

Section 103. Deferment of Disaster Loan Repayment

In recognition that the small businesses eligible for Disaster Assistance Loans will not be able to begin repayment of the loans for up to two years, the bill provides that both principal and interest payment will be deferred for two years from the date of loan origination. Interest that accrues during the deferment period will be forgiven.

Section 104. Refinancing Existing Disaster Loans

As the result of the World Trade Center bombing in 1993, there are small businesses in the Presidentially-declared disaster area that have outstanding SBA disaster loans. This section will permit small businesses to refinance outstanding disaster loans in the new disaster loans with the two-year deferment provision.

Section 105. Emergency Relief Loan Program

This section creates a special one-year program at the SBA using key components of the 7(a) guaranteed business loan program to help small businesses suffering significant economic injury as the result of the September
11, 2001, terrorist attacks on the World Trade Center and the Pentagon. The loans would have a 95 percent guarantee, and there would be no up-front borrower fee. The interest rate would be the Prime Rate plus 1 percent. Banks would have the option to defer principal payments for up to one year.

This special working capital loan program recognizes there are small businesses nation-wide that are experiencing serious cash flow difficulties as the result of the terrorist attacks, e.g., travel agencies, flight training and other commercial users of single-engine VFR aircraft.

Section 106. Economic Recovery Loan and Financing Programs

As the result of the deteriorating economy, which began following the downturn prior to September 11, 2001, banks had initiated steps to tighten the availability of credit to small businesses. For Fiscal Year 2001, it is projected that new loan origination may drop as much as 25 percent from the projections on October 1, 2000.

This section will make significant changes for one year to the 7(a) guaranteed business loan program. Loans would be available for all qualified borrowers. The up-front loan origination fee paid by the borrower, which ranges from 0.5 percent to 3.5 percent depending on loan size, would be eliminated. The guarantee percentage for the general origination fee paid by the borrower, which ranges from 2.0 percent to 3.5 percent depending on loan size, would be eliminated.

This section would also make similar changes to the LowDoc program. For one year, the up-front fee paid by the bank making the loan in the first loss position would be eliminated. Further, an annual fee paid by the borrower would also be dropped.

Section 107. Small Business Investment Company Enhancement Program

The Administration and the SBC industry has recommended that the SBIC/Participating Securities Program become a fee-based program, which would eliminate the need for an annual appropriation. This change, along with the existing legislation, would permit taxpayers to depreciate computer equipment and software over a two-year period. Under present law, computer equipment is generally depreciated over a five-year period and software is usually depreciated over three years. With the rapid advancements in technology, the depreciation methods are sorely out of date and can result in small businesses having to exhaust their depreciation deductions well after the equipment or software is no longer being used.

This provision will be effective for taxable years beginning after December 31, 2000.

Section 108. Repeal of Alternative Minimum Tax on Individuals

The bill repeals the individual Alternative Minimum Tax, AMT, effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and 8 corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting deductions for depreciation, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.

Section 201. Amendment of 1986 Code

This section clarifies that all changes in the bill are to the Internal Revenue Code of 1986, as previously amended.

Section 202. Increase in Expense Treatment of Certain Depreciable Assets for Small Businesses

The bill amends section 179 of the Internal Revenue Code to increase the amount of equipment purchases that small businesses may expense each year from the current $24,000 to $35,000. This change is designed to eliminate the burdensome recordkeeping involved in depreciating such equipment and to free up capital for small businesses to grow and create jobs.

The bill also increases the phase-out limitation for equipment expense from the current $200,000 to $500,000, thereby expanding the types of assets that can qualify for expensing treatment. This limitation along with the annual expensing amount will be indexed for inflation under the bill.

Section 203. of the Internal Revenue Code

The Administration and the SBC industry has recommended that the SBIC/Participating Securities Program become a fee-based program, which would eliminate the need for an annual appropriation. This change, along with the existing legislation, would permit taxpayers to depreciate computer equipment and software over a two-year period. Under present law, computer equipment is generally depreciated over a five-year period and software is usually depreciated over three years. With the rapid advancements in technology, the depreciation methods are sorely out of date and can result in small businesses having to exhaust their depreciation deductions well after the equipment or software is no longer being used.

This provision will be effective for taxable years beginning after December 31, 2000.

Section 204. Modification of Depreciation Rules for Computers and Software

For small business taxpayers who do not qualify for expensing treatment, the bill modifies current limitations to permit taxpayers to depreciate computer equipment and software over a two-year period. Under present law, computer equipment is generally depreciated over a five-year period and software is usually depreciated over three years. With the rapid advancements in technology, the depreciation methods are sorely out of date and can result in small businesses having to exhaust their depreciation deductions well after the equipment or software is no longer being used.

This provision will be effective for taxable years beginning after December 31, 2000.

Section 205. Adjustments to Depreciation Limits for Business Vehicles

The bill amends section 280F of the Internal Revenue Code, which limits the amount of depreciation that a business may claim with respect to a vehicle used for business purposes. Under the current thresholds, a business loses a portion of its depreciation deduction if the vehicle costs more than $14,460, for vehicles placed in service in 2000.

Although these limitations have been substantively changed over the years, they have not kept pace with the actual cost of new cars, light trucks and vans in most cases. For many small businesses, solvency and profitability are limited by the necessity of transporting personnel to and from their facilities and for delivering their products. Accordingly, the bill adjusts the thresholds such that a business will not lose any of its depreciation deduction for vehicles costing less than $25,000, which will continue to be indexed for inflation. This provision will be effective in taxable years beginning after December 31, 2000.

Section 206. Increased Deduction for Business Meal Expenses

The bill increases the limitation on the deduction for business meals from the current $420,000 to $500,000, thereby expanding the ability of small businesses to grow and create jobs.

The bill also increases the phase-out limitation for business meal expense from the current $14,460 to $20,000, thereby expanding the types of assets that can qualify for expensing treatment. This limitation along with the annual expensing amount will be indexed for inflation under the bill.

This provision will be effective for taxable years beginning after December 31, 2000.

Section 207. Modification of Unrelated Business Income Limitation on Investments in Certain Debt-Financed Properties

With the recent contraction of the private-equity market, the Small Business Investment Company, SBIC program, which is overseen by the SBA, has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million. Debenture SBICs qualify for SBA-guaranteed borrowed capital, which subjects tax-exempt investors to tax liability that would otherwise be inclined to invest in Debenture SBICs that are outside the unrelated business taxable income, UBTI. When free to choose, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI. With this change, the bill addresses these problems, as well as the lack of parity that small business owners face with respect to individuals subject to Federal housing programs of the Department of Transportation, such as truck drivers, who are currently able to deduct a larger portion of their business meals.

Section 208. Repeal of Alternative Minimum Tax on Individuals

The bill repeals the individual Alternative Minimum Tax, AMT, effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and 8 corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting deductions for depreciation, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.

Section 209. Repeal of Alternative Minimum Tax on Individuals

The bill repeals the individual Alternative Minimum Tax, AMT, effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and 8 corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting deductions for depreciation, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.

Section 210. Repeal of Alternative Minimum Tax on Individuals

The bill repeals the individual Alternative Minimum Tax, AMT, effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and 8 corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting deductions for depreciation, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.

Section 211. Repeal of Alternative Minimum Tax on Individuals

The bill repeals the individual Alternative Minimum Tax, AMT, effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and 8 corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting deductions for depreciation, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.
The Brooks Act was enacted in 1982 and prohibits any small businesses set aside for architectural and engineering contracts valued at $50,000 or less. No change in this ceiling has been made since enactment of the Brooks Act. This section would increase the ceiling to $300,000, which would create, almost immediately, new Federal contracting opportunities for small businesses. Section 302. Procurements of Property and Services in Amounts Not in Excess of $100,000 From Small Businesses

This section would make more contracts valued at less than $100,000 available to small businesses. Under the Federal Supply Schedule, FSS, at GSA, all agency contracts, requirements, or procurements valued at less than $100,000 would be made from small businesses.

For contracts for property or services not on the GSA’s FSS, the procuring agency would be required to set aside contracts, valued at less than $100,000, for competition among small businesses. This would increase to 50 percent of the dollar value of all contracts for property and services made by Federal agencies and 20 percent of the dollar value of contracts for property or services made by Federal agencies with a pre-planned itinerary. In both instances, the travel has been planned by professionals whose group purchasing power insures substantial savings. In addition, prepayment covers all major expenses which minimizes budgeting concerns. Tour operators employ a long standing, universally accepted method of accounting which recognizes deposits as income upon the date of departure of the passenger. This treatment defers income recognition while the customer still has the right to cancel the travel without substantial costs and prior to the tour operator’s performing many of the tasks and making many of the commitments required to insure a timely, safe and reliable trip. Recently, the Internal Revenue Service, IRS, has adopted a position in selected tour operator audits which would, if generally applied, require virtually all tour operators to change their method of accounting for deposits. The IRS position is that tour operators should defer recognition of income upon receipt even though they may not incur expenses for months, or in some cases, more than a year. This position is in direct contrast to guidance previously provided by the IRS. Revenue Procedure 71–21 acknowledges that accrual basis taxpayers should be allowed to defer advanced payment for services under certain circumstances but has improperly refused to interpret this ruling to apply to tour operators. If the IRS continues to pursue its position, it will raise the cost of operations for tour operators. This added cost will be passed on to Americans seeking to travel. Given the difficulties facing this industry in light of the events of September 11, the IRS position is particularly misguided. The legislation being introduced today clarifies that Revenue Procedure 71–21 applies to the tour operator in the terrorist attacks on the United States and will be exempt from the ceiling on sole-source contracts under the HUBZone and 8(a) programs. Currently, the ceilings are $3 million for service contracts and $5 million for manufacturing contracts.
Whereas while serving as a fighter pilot in the United States Air Force, Pete Peterson was shot down over North Vietnam in 1966 and captured by the Vietnamese military;

Whereas Pete Peterson was held for 6½ years as a prisoner of war in Vietnam;

Whereas after his return to the United States in 1973, Pete Peterson distinguished himself as a businessman and educator in his home State of Florida;

Whereas Pete Peterson was elected to Congress to represent the 2nd Congressional District of Florida in 1990 and went on to serve three terms;

Whereas Pete Peterson first returned to Vietnam in 1991 as a Member of Congress investigating Vietnamese progress on the POW/MIA issue;

Whereas President Reagan began the process of normalizing United States relations with Vietnam;

Whereas President Clinton lifted the trade embargo against Vietnam in 1994;

Whereas President Clinton normalized diplomatic relations with Vietnam in 1995;

Whereas in 1997 Pete Peterson was appointed the first United States ambassador to Vietnam in 22 years;

Whereas during Pete Peterson’s tenure as United States Ambassador to Vietnam, the President certified annually that the Government of Vietnam was “fully complying in good faith” with the United States to obtain the fullest possible accounting of Americans missing from the Vietnam War;

Whereas Ambassador Peterson played a critical role in the process of building a new and normal relationship between the United States and Vietnam;

Whereas Ambassador Peterson worked tirelessly to encourage the Government of Vietnam to continue its efforts to reform and open Vietnam’s economy;

Whereas thanks to Ambassador Peterson’s leadership, Congress in 1998 approved a waiver of the Jackson-Vanik restrictions for Vietnam, thus enabling the Overseas Private Investment Corporation and the Export-Import Bank to operate in Vietnam;

Whereas completion of a United States-Vietnam bilateral trade agreement was Ambassador Peterson’s top trade priority;

Whereas the United States and Vietnam began negotiations for a bilateral trade agreement in 1996;

Whereas Ambassador Peterson’s diplomatic efforts throughout the process of negotiation were invaluable to the completion of the bilateral trade agreement;

Whereas in the agreement the Government of Vietnam agreed to a wide range of steps to open its markets to American trade and investment;

Whereas the agreement will pave the way for further reform of Vietnam’s economy and Vietnam’s integration into the world economy;

Whereas Ambassador Peterson witnessed the signing of the United States-Vietnam Bilateral Trade Agreement on July 13, 2000;

Whereas President Bush transmitted that trade agreement to Congress on June 8, 2001;

Whereas the United States House of Representatives approved the agreement on September 15, 2000;

Whereas the United States Senate approved the agreement on October 3, 2001;

Whereas Mr. Peterson’s top trade priority in Vietnam from 1997–2001, and for his historic role in normalizing United States-Vietnam relations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1843. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1844. Mr. REID (for Mr. KOHL) proposed an amendment to the bill H.R. 2506, an act to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

SA 1845. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1843. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table:

On page 143, beginning on line 9, strike “and (3)” and all that follows through the table; and insert the following:

(3) if Congress determines that—

(a) the percentage of first-year students receiving institutional grant aid;

(b) the mean and median grant eligibility and institutional grant aid to first-year students;

(c) the mean and median parental and student contributions to undergraduate costs of attendance for first-year students receiving institutional grant aid;

(d) to the extent useful in determining the effect of the antitrust exemption under section 568 of the Improving America’s Schools Act of 1994 (15 U.S.C. 1 note), examine—

(I) comparison data, identified in clauses (i) and (ii), from institutions of higher education that do not participate under the antitrust exemption under section 568 of the Improving America’s Schools Act of 1994 (15 U.S.C. 1 note); and

(II) other baseline trend data from national benchmarks; and

(e) examine other issues that the Comptroller General determines are appropriate.

(f) The assessment under clause (i) shall consider any changes in institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance over time for institutions of higher education, including consideration of—

(I) the time period prior to adoption of the consensus methodologies at participating institutions;

(II) the data examined pursuant to sub paragraph (A)(ii).

SEC. 2. AMENDMENT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the findings and conclusions of the Comptroller General regarding the matters studied under subsection (a).

(b) IDENTIFYING INDIVIDUAL INSTITUTIONS.—The Comptroller General shall not identify an individual institution of higher education in information submitted in the report under paragraph (1) unless the information on the institution is available to the public.

(c) RECORDKEEPING REQUIREMENT.—

(1) IN GENERAL.—For the purpose of completing the study under subsection (a)(1), a participating institution shall—

(A) collect and maintain for each academic year until the study under subsection (a)(1) is completed—

(i) student-level data that is sufficient, in the judgment of the Comptroller General, to permit the analysis of expected family contributions, identified need, and undergraduate grant aid awarded;

(ii) information on formulas used by the institution to determine need; and

(2) In general.—The Comptroller General shall not...
(B) submit the data and information under paragraph (1) to the Comptroller General at such time as the Comptroller General may reasonably require.

(2)経典教育機関経済予算の見直し—— Nothing in this subsection shall be construed to require an institution of higher education that does not participate under the anti-trust exemption provision of title 42 to provide funding and permanent staff to the Government Accounting Office, as well as other agencies and organizations that may have a role in ensuring safety and security of the civil air transportation system.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on September 30, 2001.

Amend the title so as to read: “An Act to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the anti-trust laws, and for other purposes.”.

SA 1845. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 20 and 21, strike “The Governor Accounting Office,” as well as other independent agencies.

On page 4, lines 10 and 11, strike “hiring and training” and insert “hiring, training, and enlisting.”

On page 4, line 19, before the semicolon, insert “and for ensuring accountability of the officials (public or private) responsible for administering the operational aspects of aviation security, based on performance standards.”

On page 7, line 23, after the period, insert the following:

“(a) AUTHORITY OF THE ADMINISTRATOR.—

(1) The Administrator shall maintain responsibility for the development and promulgation of policy and regulations relating to aviation security.

(2) The Deputy Administrator for Aviation Security shall be subject to the direction of the Administrator.

(b) APPOINTMENT OF THE DEPUTY ADMINISTRATOR FOR AVIATION SECURITY.—

(1) The Deputy Administrator for Aviation Security shall be appointed by the Administrator for a term of not less than 3 and not more than 5 years. The appointment shall be made on the basis of experience with law enforcement, national security, or intelligence.

(2) The Deputy Administrator for Aviation Security may be removed by the Administrator for misconduct or failure to meet performance goals as set forth in the performance agreement described in section 49440.

(c) IMPLEMENTATION OF THE DEPUTY ADMINISTRATOR FOR AVIATION SECURITY.—The Administrator may reappoint the Deputy Administrator for Aviation Security to subsequent terms of not less than 3 and not more than 5 years, so long as the performance of the Deputy Administrator is satisfactory.

(d) COMPENSATION.—

(1) IN GENERAL.—The Deputy Administrator for Aviation Security is authorized to be paid at an annual rate of basic pay to which a Senior Executive Service employee may be paid for the Senior Executive Service in accordance with section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(B) of such title.

(2) BONUS.—In addition, the Deputy Administrator for Aviation Security may receive bonuses based on the Administrator’s evaluation of the Deputy Administrator’s performance in relation to the goals set forth in the agreement described in paragraph (1) and the performance of the Deputy Administrator may not exceed $200,000.

(e) SENIOR MANAGEMENT.—

(1) APPOINTMENT.—The Deputy Administrator for Aviation Security may appoint such senior managers as that Administrator determines necessary without regard to the provisions of title 5, United States Code.

(2) COMPENSATION.—

(A) IN GENERAL.—A senior manager, appointed pursuant to paragraph (1), may be paid at an annual rate of basic pay that does not exceed 125 percent of the maximum rate of basic pay for the Senior Executive Service in accordance with section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of such title.

(B) BONUS.—In addition, senior managers appointed pursuant to paragraph (1) may receive bonuses based on the Deputy Administrator’s evaluation of their performance in relation to the goals set forth in the agreement described in section 49440. The annual compensation for a senior manager may not exceed 125 percent of the maximum rate of base pay for the Senior Executive Service.

(3) REMOVAL.—Senior managers may be removed by the Deputy Administrator for Aviation Security for misconduct or failure to meet performance goals set forth in the performance agreements.

(f) PERSONNEL CEILINGS.—The Deputy Administrator for Aviation Security shall not be subject to ceilings relating to the number of grade or employees.

(2) AVIATION SECURITY OFFICERS.—The Deputy Administrator for Aviation Security, in consultation with the Administrator, shall appoint an ombudsman to address the concerns of aviation security stakeholders, such as airport authorities, air carriers, consumer groups, and the travel industry.

(3) 4940. Short-term transition; long-term results

(4) SHORT-TERM TRANSITION.—

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Deputy Administrator for Aviation Security shall, in consultation with Congress:

(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

(B) provide Congress with an action plan, containing milestones and goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall describe: the responsibilities of the Department of Transportation, the Administrator, the Deputy Administrator for Aviation Security, and any other agency or organization that may have a role in ensuring safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGERNENT.—

(1) PERFORMANCE PLAN AND REPORT.—

(2) PERFORMANCE REPORT.—

(3) PERFORMANCE MANAGEMENT.—

(A) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Administrator and the Deputy Administrator for Aviation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Administrator.

(ii) Each year, the Deputy Administrator for Aviation Security and each senior manager shall enter into a performance agreement that sets forth organization and individual goals for those managers.

(B) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING PERFORMANCE.—The Deputy Administrator for Aviation Security shall establish an annual performance management system, notwithstanding the provisions of title 5, which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for individual, group, and organizational performance consistent with the performance plan.

(3) PERFORMANCE-BASED SERVICE CONTRACTING.—In carrying out the aviation security program, the Administrator for Aviation Security shall, to the extent practicable, maximize the use of performance-based service contracts for air screening activities that may be out-sourced. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

(4) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 494 of title 49, United States Code, is amended by inserting after the item relating to section 4938 the following new items:

“4939. Human capa changes to reinforce result based management

“4940. Short-term transition; long-term results”
AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 3, at 9:30 a.m., to conduct a hearing. The Committee will receive testimony on the nominations of Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, and Fred Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, October 3, 2001, at 11 a.m., to hear testimony on the need for an economic stimulus package and if one is needed, potential components.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2001, at a time to be determined, to hold a business meeting.

The committee will consider and vote on the following matters:

Nominees: Mr. Robert W. Jordan of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

Committee Organization: Approval of the creation of the Subcommittee on Central Asia and South Caucasus, as follows:

Membership:
Robert G. Torricelli, Chairman
Joseph R. Biden, Jr.
John F. Kerry
Paul D. Wellstone
Barbara Boxer
Richard G. Lugar, Ranking Member
Chuck Hagel
Gordon H. Smith
Sam Brownback

(The Chairman and Ranking Member of the full committee are ex officio members of each subcommittee on which they do not serve as members.)

Jurisdiction of Subcommittee on Central Asia and South Caucasus

The subcommittee deals with matters concerning Central Asia and the South Caucasus, including the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as Armenia, Azerbaijan and Georgia.

This subcommittee’s responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee’s regional jurisdiction.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Federalism, and Property Rights be authorized to meet to conduct a hearing on Wednesday, October 3, 2001, at 9:30 a.m., in Dirksen 226.

Tentative Witness List [Invited]:
United States Department of Justice, Washington, DC; Mr. Jerry Berman, Executive Director, Center for Democracy & Technology, Washington, DC; Professor David D. Cole, Professor of Law, Georgetown University Law Center, Washington, DC; Dr. Morton H. Halperin, Chair, Advisory Board, Center for National Security Studies, Washington, DC; Dean Douglas W. Kmiec, Dean and St. Thomas More Professor, Columbus School of Law, The Catholic University of America, Washington, DC; Professor John O. McGinnis, Professor of Law, Benjamin N. Cardozo School of Law at Yeshiva University, New York, NY; Mr. Grover Norquist, President, Americans for Tax Reform, Washington, DC.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

On October 2, 2001, the Senate passed S. 1438, as follows:

S. 1438

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 Authorization.
(2) Division B—Military Construction Authorization.
(3) Division C—Department of Energy National Security Authorization and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Applicability of report of Committee on Armed Services of the Senate.

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. 106. Chemical agents and munitions destruction, Defense.
Sec. 107. Defense health programs.

Subtitle B—Army Programs

Sec. 112. Virginia class submarine program.
Sec. 112. Multiyear procurement authority for F/A-18E/F aircraft engines.
Sec. 113. V–22 Osprey aircraft program.
Sec. 114. Additional matter relating to V–22 Osprey aircraft.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for C–40 aircraft.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for F/A–22.

Subtitle E—Other Matters

Sec. 141. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.

Sec. 142. Procurement of additional M291 skin decontamination kits.

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.
Sec. 203. Authorization of additional funds.
Sec. 204. Funding for Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. F–22 aircraft program.
Sec. 212. C–5 aircraft reliability enhancement and reengining.
Sec. 213. Review of alternatives to the V–22 Osprey aircraft.
Sec. 214. Joint biological defense program.
Sec. 215. Report on V–22 Osprey aircraft before decision to resume flight testing.
Sec. 216. Big Crow Program and Defense Systems Evaluation program.

Subtitle C—Other Matters

Sec. 231. Technology Transition Initiative.
Sec. 232. Communication as follows:

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. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 305. Amount for impact aid for children with severe disabilities.
Sec. 306. Improvements in instrumentation and targets at Army live fire training ranges.
Sec. 307. Environmental Restoration, Formerly Used Defense Sites.
Sec. 308. Authorization of additional funds.
Sec. 309. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.

Subtitle B—Environmental Provisions
Sec. 311. Establishment in environmental restoration accounts of sub-accounts for unexploded ordnance and related constituents.
Sec. 312. Assessment of environmental remediation of unexploded ordnance and related constituents.
Sec. 313. Department of Defense energy efficiency program.
Sec. 314. Extension of pilot program for sale of air pollution emission reduction incentives.
Sec. 315. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Carolina.
Sec. 316. Conformity of surety authority under environmental restoration program with surety authority under superfund.
Sec. 317. Procurement of alternative fueled and hybrid electric light duty trucks.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities
Sec. 321. Rebate agreements with producers of foods provided under the special supplemental food program.
Sec. 322. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
Sec. 323. Public releases of commercially valuable information of commissary stores.

Subtitle D—Other Matters
Sec. 331. Codification of authority for Department of Defense support for counternarcotic activities of other governmental agencies.
Sec. 332. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 333. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes la-Coquette, France.
Sec. 334. Implementation of the Navy-Marine Corps Intranet contract.
Sec. 335. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 336. Reauthorization of warranty claims recovery pilot program.
Sec. 337. Funding for land forces readiness information operations sustainment.
Sec. 338. Defense Language Institute Foreign Language Center expanded Arabic language program.
Sec. 339. Consequence management training.
Sec. 340. Critical infrastructure protection initiative of the Navy.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Sec. 402. Authorized daily average active duty strength for Navy enlisted members in pay grade E–8.

Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserve on active duty in support of the reserve component.
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.
Sec. 416. Strength and grade limitation accounting for reserve component members on active duty in support of a contingency operation.

Subtitle C—Authorization of Appropriations
Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy
Sec. 501. General officer positions.
Sec. 502. Reduction of time-in-grade requirement for eligibility for promotion of first lieutenants and charge of the United States Naval Academy.
Sec. 503. Promotion of officers to the grade of captain in the Army, Air Force, or Marine Corps or to the grade of lieutenant in the Navy without selection board action.
Sec. 504. Authority to adjust date of rank.
Sec. 505. Extension of deferments of retirement or separation for military reasons.
Sec. 506. Exemption from administrative limitations of retired members ordered to active duty as defense and service attaches.
Sec. 507. Certification of satisfactory performance for retirements of officers in grades above major general and rear admiral.
Sec. 508. Effective date of mandatory separation or retirement of regular officer delayed by a suspension of officier delayed by a suspension of emergency authority of the President.
Sec. 509. Detail and grade of officer in charge of the United States Navy Band.

Subtitle B—Reserve Component Personnel Policy
Sec. 511. Reauthorization and expansion of temporary waiver of the requirement for a baccalaureate degree for promotion of certain reserve officers of the Army.
Sec. 512. Status list of reserve officers on active duty for a period of three years or less.
Sec. 513. Equal treatment of Reserves and full-time active duty members for purposes of managing deployments of personnel.
Sec. 514. Modification of examination requirements for members of the Individual Ready Reserve.
Sec. 515. Membership of reserve components affected while remaining overnight at duty station within commuting distance of home.
Sec. 516. Retirement of reserve personnel without request.
Sec. 517. Space-required travel by Reservists on military aircraft.

Subtitle C—Education and Training
Sec. 531. Improved benefits under the Army College First program.
Sec. 532. Repeal of limitation on number of Junior Reserve Officers’ Training Corps units.
Sec. 533. Acceptance of fellowships, scholarships, or grants for legal education of reservists participating in the funded legal education program.
Sec. 534. Grant of degree by Defense Language Institute Foreign Language Center.
Sec. 535. Authority for the Marine Corps University to award the degree of master of strategic studies.
Sec. 536. Foreign persons attending the service academies.
Sec. 537. Expansion of financial assistance program for health-care professionals in reserve components to include students in programs of education leading to the initial degree in medicine or dentistry.
Sec. 538. Pilot program for Department of Veterans Affairs support for graduate medical education and training of medical personnel of the Armed Forces.
Sec. 539. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.
Sec. 540. Participation of regular members of the Armed Forces in the Senior Reserve Officers’ Training Corps.

Subtitle D—Decorations, Awards, and Commendations
Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace for valor during the Vietnam War.
Sec. 552. Review regarding award of Medal of Honor to certain Jewish American war veterans.
Sec. 553. Issuance of duplicate and replacement Medals of Honor.
Sec. 554. Waiver of time limitations for award of certain decorations to certain past recipients.
Sec. 555. Sense of Senate on issuance of Korea Defense Service Medal.
Sec. 556. Retroactive Medal of Honor special pension.

Subtitle E—Funeral Honors Duty
Sec. 561. Active duty end strength exclusion for Reserves on active duty or full-time National Guard duty for funeral honors duty.
Sec. 562. Participation of retirees in funeral honors details.
Sec. 563. Benefits and protections for members in a funeral honors duty status.
Sec. 564. Military leave for civilian employees serving as military members of funeral honor details.

Subtitle F—Uniformed Services Overseas Voting
Sec. 571. Sense of the Senate regarding the importance of voting by members of the uniformed services.
Sec. 572. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.
Sec. 573. Guarantee of residency for military personnel.
Sec. 574. Extension of registration and ballot rights for absent uniformed services voters to State and local elections.
Sec. 575. Use of single application for a simultaneous absentee voter registration application and absentee ballot application.
Sec. 576. Use of single application for absentee ballots for all Federal elections.
Sec. 577. Electronic voting demonstration project.
Sec. 578. Federal voting assistance program.
Sec. 579. Maximization of recently separated uniformed services voters to the polls.
Sec. 580. Governors’ reports on implementation of Federal voting assistance program recommendations.

Subtitle C—Other Matters

Sec. 581. Persons authorized to be included in surveys of military families regarding Federal programs.

Sec. 582. Correction and extension of certain Army recruiting pilot program authorities.

Sec. 583. Offense of drunken operation of a vehicle, aircraft, or vessel under the Uniform Code of Military Justice.

Sec. 584. Authority of civilian employees to act as notaries.

Sec. 585. Review of actions of selection boards.

Sec. 586. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.

Sec. 587. Expansion of Defense Task Force on Domestic Violence.

Sec. 588. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.

Sec. 589. Report on health and disability benefits for pre-accession training and education programs.

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 of a reserve warrant officer.

Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.

Sec. 604. Clarifications for transition to reformed basic allowance for subsistence.

Sec. 605. Increase of basic allowance for housing in the United States.

Sec. 606. Clarification of eligibility for supplemental subsistence allowance.

Sec. 607. Correction of limitation on additional uniform allowance for officers.

Sec. 608. Payment for unused leave in excess of 90 days accruing by members of reserve components on active duty for more than one year.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.

Sec. 616. Submarine duty incentive pay rates.

Sec. 617. Career sea pay.

Sec. 618. Modification of eligibility requirements for Individual Ready Reserve bonus for enlistment, enlistment, or extension of enlistment.

Sec. 619. Accession bonus for officers in critical skills.

Sec. 620. Modification of the nurse officer candidate accession program restriction on students attending civilian educational institutions with Senior Reserve Officers Training Programs.

Sec. 621. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.

Sec. 622. Hostile fire or imminent danger pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.

Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.

Sec. 633. Eligibility for dislocation allowance.

Sec. 634. Allowance for dislocation for the convenience of the Government at home stations.

Sec. 635. Travel and transportation allowances for family members to attend the burial of a deceased member of the uniformed services.

Sec. 636. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.

Sec. 637. Funded student travel for foreign study under an education program approved by a United States school.

Sec. 638. Transportation or storage of privately owned vehicles on change of permanent station.

Subtitle D—Matters Relating to Retirement and Survivor Benefits

Sec. 651. Payment of retired pay and compensation to disabled military retirees.

Sec. 652. SBP eligibility of survivors of retirement-ineligible members of the uniformed services who die while on active duty.

Subtitle E—Other Matters

Sec. 661. Education savings plan for reenlistments and extensions of service in critical specialties.

Sec. 662. Commissary benefits for new members of the Ready Reserve.

Sec. 663. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.

Subtitle F—National Emergency Family Support

Sec. 681. Child care and youth assistance.

Sec. 682. Family education and support services.

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Benefits Modernization

Sec. 701. Requirement for integration of benefits.

Sec. 702. Domiciliary and custodial care.

Sec. 703. Long term care.

Sec. 704. Extended benefits for disabled beneficiaries.

Sec. 705. Conforming repeals.

Sec. 706. Prosthetics and hearing aids.

Sec. 707. Durable medical equipment.

Sec. 708. Rehabilitative therapy.

Sec. 709. Mental health benefits.

Sec. 710. Effective date.

Subtitle B—Other Matters

Sec. 711. Repeal of requirement for periodic screenings and examinations and related care for members of Army Reserve units scheduled for early deployment.

Sec. 712. Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care.

Sec. 713. TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and noninstitutional health care providers.

Sec. 714. Two-year extension of health care management demonstration program.

Sec. 715. Study of health care coverage of members of the Selected Reserve.

Sec. 716. Study of adequacy and quality of health care provided to women under the defense health program.

Sec. 717. Pilot program for Department of Veterans Affairs support for Department of Defense in the performance of separation physical examinations.

Sec. 718. Modification of prohibition on requirement of nonavailability statement or preauthorization.

Sec. 719. Transitional health care to members separated from active duty.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Procurement Management and Administration

Sec. 801. Management of procurements of services.

Sec. 802. Savings goals for procurements of services.

Sec. 803. Competition requirement for purchases pursuant to multiple award contracts.

Sec. 804. Risk reduction at initiation of major defense acquisition program.

Sec. 805. Follow-on production contracts for products developed pursuant to prototype projects.

Subtitle B—Defense Acquisition and Support Workforce


Sec. 812. Moratorium on reduction of the defense acquisition and support workforce.

Sec. 813. Review of acquisition workforce qualification requirements.

Subtitle C—Use of Preferred Sources

Sec. 821. Applicability of competition requirements to purchases from a required source.

Sec. 822. Consolidation of contract requirements.

Sec. 823. Codification and continuation of Mentor-Protege Program as permanent program.

Sec. 824. Hubzone small business concerns.
Sec. 904. Organizational realignment for Secretary of Defense for Space, Intelligence, and Information.

Sec. 905. Amendments of other laws.

Sec. 906. Suspension of reorganization of engineering and technical authority policy within the Naval Space Systems Command.

Sec. 907. Conforming amendments relating to change of name of Air Mobility Command.

Sec. 911. Establishment of position of Under Secretary of Defense for Space, Intelligence, and Information.

Sec. 912. Responsibility for space programs.

Sec. 913. Major force program category for space programs.

Sec. 914. Assessment of implementation of recommendations of Commission To Assess United States National Security Space Management and Organization.

Sec. 915. Grading of commander of Air Force Space Command.

Sec. 916. Sense of Congress regarding grade of officer assigned as Commander of United States Space Command.

Sec. 1001. Transfer authority.

Sec. 1002. Reduction in authorizations of appropriations for Department of Defense for management efficiencies.


Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.

Sec. 1005. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.

Sec. 1006. Reliability of Department of Defense financial statements.

Sec. 1007. Financial Management Modernization Executive Committee and financial feeder systems compliance process.

Sec. 1008. Combating Terrorism Readiness Initiatives Fund for combatant commands.

Sec. 1009. Authorization of additional funds.


Sec. 1011. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.

Sec. 1012. Bomber force structure.

Sec. 1013. Additional element for revised nuclear posture review.

Sec. 1021. Information recommendations on congressional reporting requirements applicable to the Department of Defense.

Sec. 1022. Report on combating terrorism.

Sec. 1023. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.

Sec. 1024. Revision of deadline for annual report on commercial and industrial activities.

Sec. 1025. Production and acquisition of vaccines for defense against biological warfare agents.

Sec. 1026. Extension of limitation for Commission on the Future of the United States Aerospace Industry to report and to terminate.


Sec. 1042. Definitions.

Sec. 1043. Revision of authority establishing the Armed Forces Retirement Home.

Sec. 1044. Chief Operating Officer.

Sec. 1045. Residents of Retirement Home.

Sec. 1046. Local boards of trustees.

Sec. 1047. Directors, Deputy Directors, and staff activities.

Sec. 1048. Disposition of effects of deceased persons and unclaimed property.

Sec. 1049. Transitional provisions.

Sec. 1050. Conforming and clerical amendments and repeals of obsolete provisions.

Sec. 1051. Amendments of other laws.

Sec. 1061. Requirement to conduct certain previously authorized educational programs for children and youth.

Sec. 1062. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.

Sec. 1063. Conveyances of equipment and related materials loaned to State and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction.

Sec. 1064. Authority to pay gratuity to members of the Armed Forces and civilian employees of the United States military service performed for Japan during World War II.

Sec. 1065. Retention of travel promotional items.

Sec. 1066. Radiation Exposure Compensation Act mandatory appropriations.

Sec. 1067. Leasing of Navy ships for University National Oceanographic Laboratory System.

Sec. 1068. Small business procurement competition.

Sec. 1069. Chemical and biological protective equipment for military and civilian personnel of the Department of Defense.

Sec. 1070. Authorization of the sale of goods and services by the Naval Magazine, Island Home.

Sec. 1071. Assistance for firefighters.

Sec. 1072. Plan to ensure embarkation of civilian guests does not interfere with operations of readiness and safe operation of Navy vessels.

Sec. 1073. Modernizing and enhancing missile wing helicopter support— study and plan.

Sec. 1074. Sense of the Senate that the Secretary of the Treasury should immediately issue savings bonds to be designated as “Unity Bonds”, in response to the terrorist attacks against the United States on September 11, 2001.

Sec. 1075. Personnel pay and qualifications authority for Department of Defense Retirement civilian law enforcement and security force.

Sec. 1076. Waiver of vehicle weight limits during periods of national emergency.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

Subtitle A—Intelligence Personnel

Sec. 1101. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.

Sec. 1102. Continued applicability of certain civil service protections for employees integrated into the National Imagery and Mapping Agency from the Defense Mapping Agency.

Subtle B—Matters Relating to Retirement

Sec. 1111. Federal employment retirement credit for nonappropriated fund instrumentality services.

Sec. 1112. Improved portability of retirement coverage for employees moving between civil service employment and employment by nonappropriated fund instrumentalities.

Sec. 1113. Repeal of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

Subtitle C—Other Matters

Sec. 1121. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.

Sec. 1122. Study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents’ schools.

Sec. 1123. Pilot program for payment of retraining expenses incurred by employers of persons involuntarily separated from employment by the Department of Defense.

Sec. 1124. Participation of personnel in technical standards development activities.

Sec. 1125. Authority to exempt certain Indian Affairs personnel from examination for appointment in the competitive civil service.

Sec. 1126. Professional credentials.
TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Cooperative Threat Reduction
With States of the Former Soviet Union
Sec. 1201. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1202. Funding allocations.
Sec. 1203. Chemical weapons destruction.
Sec. 1204. Management of Cooperative Threat Reduction programs and funds.
Sec. 1205. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

Subtitle B—Other Matters
Sec. 1211. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1212. Cooperative research and development projects with NATO and other countries.
Sec. 1213. International cooperative agreements on use of ranges and other facilities for testing of defense equipment.
Sec. 1214. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
Sec. 1215. Participation of government contractors in chemical weapons inspections at United States Government facilities under the Chemical Weapons Convention.
Sec. 1216. Authority to transfer naval vessels to certain foreign countries.
Sec. 1217. Acquisition of logistical support for security forces.
Sec. 1218. Personal services contracts to be performed by individuals or organizations abroad.
Sec. 1219. Allied defense burdensharing.
Sec. 1220. Release of restriction on use of certain vessels previously authorized to be sold.

TITLE XIII—CONTINGENT AUTHORIZATION OF APPROPRIATIONS
Sec. 1301. Authorization of appropriations contingent on increased allocation of new budget authority.
Sec. 1302. Reductions.
Sec. 1303. Reference to Concurrent Resolution on the Budget for Fiscal Year 2002.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI—ARMY
Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

TITLE XXII—NAVY
Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
Sec. 2206. Modification of authority to carry out fiscal year 2000 project.

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. 2305. Modification of authority to carry out certain fiscal year 2001 projects.

TITLE XXIV—DEFENSE AGENCIES
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
Sec. 2405. Cancellation of authority to carry out additional fiscal year 2001 project.
Sec. 2406. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2407. Modification of authority to carry out certain fiscal year 1999 project.
Sec. 2408. Modification of authority to carry out certain fiscal year 1995 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM
Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES
Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
Sec. 2802. Foreseen environmental hazard remediation as basis for authorized cost variations for military construction and family housing construction projects.
Sec. 2803. Repeal of requirement for annual reports to Congress on military construction and family housing activities.
Sec. 2804. Authority for lease of property and facilities under alternative authority for acquisition and improvement of military housing.
Sec. 2805. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.

Sec. 2806. Amendment of Federal Acquisition Regulation to treat financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

Subtitle B—Real Property and Facilities Administration
Sec. 2901. Authority to carry out base closure and realignment projects.
Sec. 2903. Additional modifications of base closure authorities.
Sec. 2904. Technical and clarifying amendments.

Subtitle C—Land Conveyances
Sec. 2821. Land conveyance, Engineer Prov- ing Ground, Fort Belvoir, Virginia.
Sec. 2822. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
Sec. 2823. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
Sec. 2824. Conveyance of segments of Loring Petroleum Pipeline, Maine, and related easements.
Sec. 2825. Land conveyance, petroleum terminal servicing for Air Force Base and Bangor Air National Guard Base, Maine.
Sec. 2826. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
Sec. 2827. Modification of land conveyance, Mukeele Tank Farm, Everett, Washington.
Sec. 2828. Land conveyances, Charleston Air Force Base, South Carolina.
Sec. 2829. Land conveyance, Fort Des Moines, Iowa.
Sec. 2830. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
Sec. 2831. Land acquisition, Perquimans County, North Carolina.
Sec. 2832. Land conveyance, Army Reserve Center, Kickapoo, Wisconsin.
Sec. 2833. Treatment of amounts received.

Subtitle D—Other Matters
Sec. 2841. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
Sec. 2842. Repeal of limitation on cost of renovation of Pentagon Reservation.
Sec. 2843. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.
Sec. 2844. Construction of parking garage at Fort DeRussy, Hawaii.
Sec. 2845. Acceptance of contributions to repair or establishment memorial at Pentagon Reservation.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT
Subtitle A—Modifications of 1990 Base Closure Law
Sec. 2901. Authority to carry out base closure round in 2003.
Sec. 2903. Additional modifications of base closure authorities.
Sec. 2904. Technical and clarifying amendments.

Subtitle B—Modification of 1988 Base Closure Law
Sec. 2911. Payment for certain services provided by defense departments to states for property leased back by the United States.
DIVISION C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZATIONS
AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Authorization

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management program privatization.
Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on minor construction projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfer of defense environmental management funds.
Sec. 3130. Transfer of weapons activities funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on availability of funds for weapons activities for facilities and infrastructure.
Sec. 3132. Limitation on availability of funds for other defense activities for national security programs administrative support.
Sec. 3133. Nuclear Cities Initiative.
Sec. 3134. Construction of Department of Energy operations office complex.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

Sec. 3142. Responsibility for national security laboratories and weapons production facilities of Deputy Administrator of National Nuclear Security Administration for Defense Programs.
Sec. 3143. Clarification of status within the Department of Energy of administration and contractor personnel of the National Nuclear Security Administration.
Sec. 3144. Modification of authority of Administrator for Nuclear Security to establish scientific, engineering, and technical positions.

Subtitle E—Other Matters

Sec. 3151. Improvements to Energy Employees Occupational Illness Compensation Program.
Sec. 3152. Department of Energy counterintelligence polygraph program.
Sec. 3153. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3154. Additional objective for Department of Energy defense nuclear facilities authorized work force restructuring plan.
Sec. 3156. Reports on achievement of milestones for National Ignition Facility.
Sec. 3157. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
Sec. 3158. Improvements to Corral Hollow Refuse Facility, California.
Sec. 3159. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack.

Subtitle F—Rocky Flats National Wildlife Refuge

Sec. 3171. Short title.
Sec. 3172. Findings and purposes.
Sec. 3173. Definitions.
Sec. 3174. Future ownership and management.
Sec. 3175. Transfers of management responsibilities and jurisdiction over Rocky Flats.
Sec. 3176. Continuation of environmental cleanup and closure.
Sec. 3177. Rocky Flats National Wildlife Refuge.
Sec. 3178. Comprehensive conservation plan.
Sec. 3179. Property rights.
Sec. 3180. Rocky Flats Museum.
Sec. 3181. Report on funding.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authority to dispose of certain materials in the National Defense Stockpile.
Sec. 3302. Revision of limitations on required disposals of cobalt in the National Defense Stockpile.
Sec. 3303. Acceleration of required disposal of cobalt in the National Defense Stockpile.
Sec. 3304. Revision of restriction on disposal of manganese ferro.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

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.

SEC. 4. APPLICABILITY OF REPORT OF COMMITTEE ON ARMED SERVICES OF THE SENATE
Senate Report 107–62, the report of the Committee on Armed Services of the Senate to accompany the bill S. 1416, 107th Congress, 1st session, shall apply to this Act with the exception of the portions of the report that relate to sections 221 through 224.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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, $8,169,043,000.
(2) For weapons, including missiles and torpedoes, $1,503,475,000.
(3) For shipbuilding and conversion, $5,522,121,000.
(4) For other procurement, $4,293,475,000.
(5) For nuclear weapons, including missiles and torpedoes, $2,091,724,000.

Subtitle B—Army Programs

Sec. 121. VIRGINIA CLASS SUBMARINE PROGRAM.
(1) by striking "five Virginia class submarines" and inserting "seven Virginia class submarines"; and
(2) by striking "through 2006" and inserting "2007".

Subtitle C—Navy Programs

SEC. 125. V-22 OSPREY AIRCRAFT PROGRAM.
The production rate for V-22 Osprey aircraft may not be increased above the minimum sustaining production rate for which funds are authorized to be appropriated by this Act until the Secretary of Defense certifies to Congress that successful operational testing of the aircraft demonstrates that—
(1) the design and manufacture are compatible with the reliability of hydraulic system components and flight control software that were...
identified by the panel appointed by the Secretary of Defense on January 5, 2001, to review the V-22 aircraft program are adequate to achieve low risk for crews and passengers aboard the aircraft—"through 2002"—that are operating under operational conditions; and (2) the V-22 aircraft can achieve reliability and maintainability levels that are sufficient for the aircraft to achieve operational availability at the level required for fleet aircraft; (3) the V-22 aircraft will be operationally effective— (A) when employed in operations with other V-22 aircraft; and (B) when employed in operations with other types of aircraft; and (4) the V-22 aircraft can be operationally effectively, taking into consideration the downwash effects inherent in the operation of the aircraft, when the aircraft— (A) is operated in remote areas with unimproved terrain and facilities; (B) is deploying and recovering personnel— (i) while hovering within the zone of ground effect; and (ii) while hovering outside the zone of ground effect; and (C) is operating with external loads.

SEC. 124. ADDITIONAL MATTER RELATING TO V-22 OSPREY AIRCRAFT. Not later than 30 days before the re-commencement of flights of the V-22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V-22 Osprey aircraft, including a justification of each such waiver.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C-17 AIRCRAFT. Beginning with the 2002 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of up to 60 C-17 aircraft.

Subtitle E—Other Matters

SEC. 141. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES. Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 4543 note) is amended by striking "through 2001" and inserting "through 2002".

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS. (a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits. (2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits. (b) OFFSET.—The amount authorized to be appropriated by section 301(4), as increased by the amendment made by section 104, is hereby increased by $2,000,000.

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, $6,899,170,000. (2) For the Navy, $11,134,806,000. (3) For the Air Force in subsection 655, $797,000. (4) For Defense-wide activities, $13,099,702,000, of which $221,355,000 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, $5,093,635,000 shall be available for basic research and applied research.

(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.

SEC. 203. AUTHORIZATION OF ADDITIONAL FUNDS. (a) AUTHORIZATION.—The amount authorized to be appropriated by section 301(1) is increased by $2,500,000 in the Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398). (b) OFFSET.—Of the amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

SEC. 204. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM. (a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABLE.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRI-VATEER) program (PE165405SB).

(c) FUNDING.—Of the amount authorized to be appropriated by section 201(2), $5,000,000 shall be available for carrying out the review required by this section.

SEC. 211. F-22 AIRCRAFT PROGRAM. (a) REQUIREMENT FOR REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a review of the requirements of the Marine Corps and the Special Operations Command that the V-22 aircraft can meet in order to identify the potential alternative means for meeting those requirements if the V-22 Osprey aircraft program were to be terminated.

(b) MATTERS TO BE INCLUDED.—The requirements reviewed shall include the following: (1) The requirements to be met by an aircraft replacing the CH-46 medium lift helicopter. (2) The requirements to be met by an aircraft replacing the MH-53 helicopter.

(c) FUNDING.—Of the amount authorized to be appropriated by section 201(2), $5,000,000 shall be available for carrying out the review required by this section.

SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM. Section 217(a) 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-36) is amended by striking "funds authorized to be appropriated by this Act may not" and inserting "no funds authorized to be appropriated by this Department of Defense for fiscal year 2002 may".

SEC. 215. REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING. Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following: (1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey aircraft, including: (A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V-22 Osprey aircraft; and (B) a description and assessment of the actions taken to redress such deficiencies. (2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V-22 Program. (3) An assessment of the recommendations of the National Academies of Sciences and Space Administration in its report on tiltrotor aeromechanics.
SEC. 216. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.
(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, is hereby increased by $5,600,000, with the amount of the increase to be available for operational test and evaluation (FPE560518D).
(b) RESERVING OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)
(1) $5,000,000 may be available for the Big Crow program; and
(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.
(c) AUTHORITY TO APPROPRIATE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $5,600,000.

Subtitle C—Other Matters

Title III—Operation and Maintenance

SEC. 231. TECHNOLOGY TRANSITION INITIATIVE.
(a) ESTABLISHMENT AND CONDUCT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2354 the following new section:
"2355. Technology Transition Initiative
"(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a Technology Transition Initiative to facilitate the rapid transition of promising new technologies into science and technology programs of the Department of Defense into acquisition programs for the production of the technologies.
"(b) OBJECTIVES.—The objectives of the Initiative are as follows:
"(1) To successfully demonstrate new technologies in relevant environments.
"(2) To ensure that new technologies are sufficiently mature for production.
"(3) To identify potential sponsors in the Department of Defense to undertake the transition of such technologies into production;
"(4) To work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to facilitate the transition of the technologies into production; and
"(5) To provide funding support for selected projects as provided under subsection (d).
"(c) MANAGEMENT.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to manage the Initiative.
"(2) In administering the Initiative, the Initiative Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.
"(3) The Initiative Manager shall—
"(A) in consultation with the Commander of the Joint Forces Command, identify promising technologies that have been demonstrated in science and technology programs of the Department of Defense; and
"(B) identify potential sponsors in the Department of Defense to undertake the transition of such technologies into production;
"(C) work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to facilitate the transition of the technologies into production; and
"(D) provide funding support for selected projects as provided under subsection (d).
"(d) JOINT FORCES COMMAND.—The senior procurement executive of each military department shall select technology projects of the military department to recommend for funding support under the Initiative and shall submit a list of the recommended projects, ranked in order of priority, to the Initiative Manager. The projects shall be selected, in a competitive process, on the basis of the highest potential benefits in areas of interest identified by the Secretary of that military department.
"(e) INITIATIVE MANAGER.—In consultation with the Commander of the Joint Forces Command, shall select projects for funding support from among the projects on the list. The Initiative Manager shall provide funds, out of the Technology Transition Fund, for each selected project. The total amount provided for a project shall be an amount that equals or exceeds 50 percent of the total cost of the project.
"(f) The senior procurement executive of the military department shall manage each project selected under paragraph (2) that is undertaken by the military department. The Department shall ensure that joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community are put in place to carry out the project if the senior procurement executive determines that it is appropriate to do so to achieve the objectives of the project.
"(g) TECHNOLOGY TRANSITION FUND.—(1) There is established in the Treasury of the United States a fund to be known as the 'Technology Transition Fund'.
"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Initiative Manager shall administer the Fund consistent with the provisions of this section.
"(h) Amounts appropriated for the Initiative shall be deposited in the Fund.
"(i) Amounts in the Fund shall be available, to the extent provided in appropriations Acts, for carrying out the Initiative.
"(j) The Program Manager shall specify in the budget submitted for a fiscal year pursuant to section 110(a) of title 31 the amount provided in that budget for the Initiative.
"(k) The term 'senior procurement executive' means the senior procurement executive of the Department of Defense under section 16 of the Office of the Secretary of Defense, as defined in section 402(a) of chapter 1 of title 10.
"(l) The term 'Initiative' means the Technology Transition Initiative carried out under this section.
"(m) The term 'Initiative Manager' means the official designated to manage the Initiative under subsection (c).
"(n) The term 'Fund' means the Technology Transition Fund established under subsection (e).
"(o) The term 'senior procurement executive' means the senior procurement executive of each military department.
"(p) The term 'Technology Transition Fund' means the fund established under subsection (k).
"(q) The term 'Technology Transition Initiative' means the Initiative established under this section.
"(r) The term 'Program Manager' means the person designated to manage the Program established under subsection (k).
"(s) The term 'Department' means the Department of Defense.
"(t) The term 'Program' means the Program established under subsection (k).
"(u) The term 'senior procurement executive' means the senior procurement executive of the Department of Defense.
"(v) The term 'Fund' means the Technology Transition Fund.
"(w) The term 'Army' means the Army of the United States.
"(x) The term 'Defense' means the Department of Defense.
"(y) The term 'Secretary' means the Secretary of Defense.
"(z) The term 'Department' means the Department of Defense.

Title IV—Armed Forces Retirement Home

SEC. 232. COMMUNICATION OF SAFETY CONCERNS BETWEEN OPERATIONAL, ACQUISITION, EVALUATION OFFICIALS AND PROGRAM MANAGERS.
Section 139 of title 10, United States Code, is amended by adding at the end the following new subsection:
"(c) The Director shall ensure that safety concerns developed during the operational evaluation of a weapon system under a major defense acquisition program are timely communicated to the program manager for consideration in the acquisition decisionmaking process.

Title V—Supplemental Appropriations for Fiscal Year 2000

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000 FOR FORCES, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.
Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking "$10,874,712,000" and inserting "$11,074,712,000" and inserting "$10,874,712,000".
Section 309. Funds for Renovation of Department of Defense Civilian Employess.

(a) Continuation of Department of Defense Fiscal Year 2002 Authority. Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) 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) “Educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–381) as amended.
(2) The term “local educational agency” has the meaning given that term in section 8033(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7226).

Section 305. Amount for Impact Aid for Children with Severe Disabilities.

Of the amount authorized to be appropriated under paragraph (1) of section 301(1), $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2003 (as enacted into law by Public Law 108–186; 114 Stat. 1654A–77).

Section 306. Improvements in Instrumentation and Targets at Army Live Fire Training Ranges.

(a) Increase in Authorization of Appropriations for Operation and Maintenance, Army.—The amount authorized to be appropriated under paragraph (1) of section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) Offsets.—The amount authorized to be appropriated by paragraph (1) of section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

Section 307. Environmental Restoration, Formerly Used Defense Sites.

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

Section 308. Authorization of Additional Funds.

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems for medical centers.

Section 309. Funds for Renovation of Department of Veterans Affairs Facilities at Great Lakes, Illinois.

(a) Availability of Funds for Renovation.—Section 301(1) shall be construed to include the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities to and expansion of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) Limitation.—The Secretary of the Navy may make available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

Subtitle B—Environmental Provisions

Section 311. Establishment in Environmental Restoration Accounts of Sub-Accounts for Unexploded ordnance and Related Constituents.

Section 2703 of title 10, United States Code, is amended—

(1) by redesigning subsections (b) through (f) as subsections (c) through (g), respectively; and
(2) by inserting after subsection (a) the following new subsection (b):

“(b) Sub-Account, Unexploded ordnance and Related Constituents.—There is hereby established within each environmental restoration account established under subsection (a) a sub-account, known as the ‘Environmental Restoration Sub-Account, Unexploded Ordinance and Related Constituents’, for the account concerned.”

Section 312. Assessment of Environmental Remediation of Unexploded ordnance and Related Constituents.

(a) Report Required.—The report submitted to Congress under section 2706(a) of title 10, United States Code, in 2002 shall include, in addition to the matters required by such section, a comprehensive assessment of the extent of unexploded ordnance and related constituents at current and former facilities of the Department of Defense.

(b) Elements.—The assessment included under subsection (a) in the report referred to in that subsection shall include, at a minimum—

(1) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all active facilities of the Department;
(2) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all installations that are being, or have been, closed or realigned under the base closure laws as of the date of the report under subsection (a);
(3) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all formerly used defense sites; and
(4) a comprehensive plan for addressing the unexploded ordnance and related constituents referred to in paragraphs (1) through (3), including an assessment of the funding required and the period of time over which such funding will be provided; and

(5) an assessment of the technology available for the remediation of unexploded ordnance and related constituents, an assessment of the impact of improved technology on the cost of remediation of such ordnance and the potential for improvement in technology development and utilization of such improved technology.

(c) Requirements for Estimates.—(1) The estimates provided under each of paragraphs (1), (2), and (3) of subsection (b) shall—

(A) be stated as a range of aggregate projected costs, including a low estimate and a high estimate;

(B) set forth the differing assumptions underlying such low estimate and high estimate, including—

(i) any public uses for the facilities, installations, or sites concerned that will be available after the remediation has been completed;

(ii) the extent of the cleanup required to make the facilities, installations, or sites concerned available for such use; and

(iii) the technologies to be applied to utilized this purpose; and

(C) include, and identify separately, an estimate of the aggregate projected costs of the remediation of any ground water contamination that may be caused by unexploded ordnance and related constituents at the facilities, installations, or sites concerned.

(2) The high estimate of the aggregate projected costs for facilities and installations under paragraph (1)(A) shall be based on the assumption that all unexploded ordnance and related constituents at such facilities installations will be addressed, regardless of whether there are any current plans to close such facilities or installations or discontinue training at such facilities or installations.

(3) The estimate of the aggregate projected costs of remediation of ground water contamination under paragraph (1)(C) shall be based on the assumption of the risk of such contamination and of the actions required to protect the ground water supplies concerned.

Section 313. Department of Defense Energy Efficiency Program.

(a) In General.—The Secretary of Defense shall carry out a program to significantly improve the energy efficiency of Department of Defense facilities through 2010.

(b) Responsible Officials.—The Secretary shall designate a senior official of the Department of Defense to be responsible for managing the program for the program for the Department and a senior official of each military department to be responsible for managing the program for such department.

(c) Energy Efficiency Goals.—The goal of the program shall be to achieve reductions in energy consumption by Department facilities as follows:

(1) In the case of industrial and laboratory facilities, reductions in the average energy consumption per square foot of such facilities, per unit of production or other applicable unit, relative to energy consumption in 1985—

(A) by 20 percent by 2005; and

(B) by 25 percent by 2010;

(2) In the case of other facilities, reductions in average energy consumption per gross square foot of such facilities, relative to energy consumption per gross square foot in 1985—

(A) by 30 percent by 2005; and

(B) by 35 percent by 2010;

(d) Strategies for Improving Energy Efficiency.—In order to achieve the goals set forth in subsection (c), the Secretary shall, to the maximum extent practicable—

(1) purchase energy-efficient products, as so designated by the Environmental Protection Agency and the Department of Energy, and other energy-efficient products;

(2) utilize energy savings performance contracts, utility energy-efficiency service contracts, and other contracts designed to achieve energy conservation;

(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in the purchase of energy-efficient products, services, construction, and other projects;
(a) **SEC. 317. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID ELECTRIC LIGHT DUTY TRUCKS.**

(1) **DEFENSE DEPARTMENT AUTHORIZED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.**

(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured by the Administrator for the Defense Department fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) The Secretary, in consultation with the Administrator of General Services regarding the procurement of hybrid electric vehicles in paragraph (1) to the extent that the Secretary determines necessary—

(A) in the case of light duty trucks that are exempt from the requirements of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for national security reasons under subsection (b)(3)(E) of such section, to meet specific requirements of the Department of Defense for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government; or

(C) to adjust to limitations on the commercial availability of alternative fueled light duty trucks that are hybrid electric vehicles.

(2) **SEC. 321. REBATE AGREEMENTS WITH PRODUCERS OF FOOD.**

SEC. 316. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION PROGRAM WITH SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY.

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 2701 note) is amended by striking “September 30, 2001” and inserting “May 12, 2003.”

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN RESPONSE COSTS IN CONNECTION WITH SALE OF AIR POLLUTION EMISSION REDUCTION PROGRAM WITH SURETY AUTHORITY.

(a) **AUTHORITY TO REIMBURSE.**—Using amounts specified in subsection (c), the Secretary of the Navy may pay $1,005,478 to the Department of the Navy to the Environmental Protection Agency for actions taken between May 12, 1992, and July 31, 2000, 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, in accordance with the Interagency Agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

(b) **TREATMENT OF REIMBURSEMENT.**—Payment of the amount authorized by subsection (a) shall be in full satisfaction of amounts due from the Department of the Navy to the Environmental Protection Agency for amounts recoverable by the Environmental Protection Agency for actions taken between May 12, 1992, and July 31, 2000, 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, in accordance with the Interagency Agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

SEC. 316. CONFORMITY OF SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY OF OFF-DOCK SUPERSITE.

Section 2701(j)(1) of title 10, United States Code, is amended by striking “or after December 31, 1999”.

SEC. 317. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID ELECTRIC LIGHT DUTY TRUCKS.

(a) **DEFENSE DEPARTMENT AUTHORIZED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.**

(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured by the Administrator for the Defense Department fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) The Secretary, in consultation with the Administrator of General Services regarding the procurement of hybrid electric vehicles in paragraph (1) to the extent that the Secretary determines necessary—

(A) in the case of light duty trucks that are exempt from the requirements of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for national security reasons under subsection (b)(3)(E) of such section, to meet specific requirements of the Department of Defense for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government; or

(C) to adjust to limitations on the commercial availability of alternative fueled light duty trucks that are hybrid electric vehicles.

(2) **SEC. 321. REBATE AGREEMENTS WITH PRODUCERS OF FOOD.**

SEC. 321. REBATE AGREEMENTS WITH PRODUCERS OF FOOD PROVIDED UNDER THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(b) of title 10, United States Code, is amended—

(a) **PAYMENT REQUIRED.**—The Secretary of a military department or the head of a military department, with the approval of the Secretary of Defense, may make payments in an amount determined by the Secretary to direct producers of foods to reduce the prices paid for food procured by the Department of Defense in an amount equal to one half of the price paid by the Department of Defense when the food is purchased by the Department of Defense.

(b) **CREDITING OF PAYMENTS.**—The Director of the Defense Contract Audit Agency may credit funds available for payment under this section to accounts to which funds are credited for payment of funds under this section.

SEC. 322. REIMBURSEMENT FOR USE OF COMMISARY FACILITIES BY MILITARY DEPARTMENTS FOR PURPOSES OTHER THAN COMMISSARY SALES.

(a) **REIMBURSEMENT.**—Chapter 147 of title 10, United States Code, is amended by inserting after section 2482a the following new section:

(1) **SEC. 2483. Commissary stores: reimbursement for use of commissary facilities by military departments.**

(a) **PAYMENT REQUIRED.**—The Secretary of a military department or the head of a military department, with the approval of the Secretary of Defense, may make payments in an amount determined by the Secretary to direct producers of foods to reduce the prices paid for food procured by the Department of Defense in an amount equal to the share of depreciation of the facility that is attributable to the use of the facility, as determined under regulations prescribed by the Secretary of Defense.

(b) **AMOUNT.**—The amount payable under subsection (a) is determined by the Secretary and shall be in proportion to the depreciation of the facility that is attributable to the use of the facility, as determined by the Secretary.

(c) **COVERED FACILITIES.**—This section applies with respect to a commissary facility that is acquired, constructed, converted, expanded, improved, in whole or in part, the proceeds of which are used for a purpose other than the use of the facility for the sale or operation of commissary sales or operations in support of commissary sales.

(d) **DISTRIBUTION OF PAYMENTS.**—The Director of the Defense Contract Audit Agency shall credit funds available for the payment of a commissary facility to accounts to which funds are credited for payment of funds under this section.
"2487. Commissary stores: release of certain commercially valuable information to the public.

(a) Authority To Limit Release.—The Secretary may limit the release of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

(2) Paragraph (1) applies to the following:

(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

(i) Data relating to sales of goods or services.

(ii) Demographic information on customers.

(iii) Any other information pertaining to commissary transactions and operations.

(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

(b) Release Authority.—(1) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in subsection (a)(2).

(2) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to—

(A) the manufacturer or producer of that item; or

(B) the manufacturer or producer's agent when necessary to accommodate electronic ordering of the item by commissary stores.

(c) Limitations on Defense May, by contract entered into with a business, grant to the business a license to use business programs referred to in subsection (a)(2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

(d) Each contract entered into under this subsection shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

(e) Form of Release.—Information described in subsection (a)(2) may not be released, under subsection (b) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

(f) Receipts.—Amounts received by the Secretary under this section shall be credited to the funds from which the Secretary derived the commissary surcharges, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.

(g) Limitation.—The table of sections at the beginning of chapter 147 of this title is amended to read as follows:

"2487. Commissary stores: release of certain commercially valuable information to the public."

Subtitle D—Other Matters

SEC. 331. CODIFICATION OF AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) Authority.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 383. Additional support for counterdrug activities of other government agencies.

(a) Support to Other Agencies.—The Secretary of Defense may provide support for the counterdrug activities of any other department or agency of the Federal Government, or of any State or local government, for the purpose of facilitating counterdrug activities within or outside the United States.

(b) Types of Support.—The purposes for which the Secretary may provide support under subsection (a) are as follows:

(i) The maintenance and repair of equipment that has been made available to any Department of Defense or to any State or local government by the Department of Defense for the purposes of—

(A) preserving the potential future utility of such equipment for the Department of Defense; and

(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

(ii) The maintenance, repair, or upgrading of equipment used by the Department of Defense; other than equipment referred to in subparagraph (A) for the purpose of—

(A) ensuring that the equipment being maintained, repaired, or upgraded is compatible with equipment used by the Department of Defense; and

(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

(iii) The transportation of personnel of the United States military and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities within or outside the United States.

(2) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities of the Department of Defense or any Federal, State, or local law enforcement agency within or outside the United States.

(3) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities of the Department of Defense or any Federal, State, or local law enforcement agency within or outside the United States.

(4) The provision of drug enforcement personnel of the Federal Government, of State and local governments, and of foreign countries, including associating equipment, personnel, and the provision of materials necessary to carry out such training.

(5) Conduct of training or operation to aid civilian agencies. In providing support pursuant to subsection (a), the Secretary of Defense may provide support for activities for the purpose of facilitating counterdrug activities within or outside the United States.

(b) Limitation on Counterdrug Requirements.—The Secretary of Defense may not provide support under subsection (a) only to critical, emergent, or unanticipated requirements.

(c) Contract Authority.—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection. The Secretary may normally acquire such services or equipment by contract for the purpose of conducting a single activity for the Department of Defense.

(d) Limited Waiver of Prohibition.—Notwithstanding section 376 of this title, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

(e) Conduct of Training or Operation to Aid Civilian Agencies.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1564; 10 U.S.C. 124 note)) for the purpose of aiding civilian law enforcement agencies.

(f) Relationship to Other Laws.—(1) The authority provided in this section for the support of counterdrug activities for the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of any other provision of this chapter.

(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

(b) Congressional Notification of Facility Projects.—(1) When a decision is made to carry out a unspecified minor military construction project described in paragraph (2), the Secretary of Defense shall submit to the committees of Congress named in paragraph (3) a written notice of the decision explaining the justification for the project and the estimated cost of the project. The project may not be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by the committees.

(2) Paragraph (1) applies to an unspecified minor military construction project that—

(A) is intended for the modification or repair of a Department of Defense facility for the purposes set forth in subsection (b)(4); and

(B) has an estimated cost of more than $500,000.
‘‘(3) The committees referred to in paragraph (1) are as follows:

‘‘(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

‘‘(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.’’

(2) The table of contents at the beginning of such chapter is amended by adding at the end the following new item:

‘‘383. Additional support for counterdrug anticrime activities of other agencies’’. (b) REPEAL OF SUPERSEDED PROVISION.—


(c) EFFECTIVE DATE.—The repeal of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b) shall not affect any support provided under that section that is ongoing as of the date of the enactment of this Act. The support may be continued in accordance with section 263 of title 10, United States Code, as added by subsection (a).

SEC. 332. EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE OR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) AMOUNTS EXCLUDED.—Amounts expended under section 2911 of title 10, United States Code (as added by section 1001 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 374 note) are excluded from the limitation of section 383 of title 10, United States Code, as added by subsection (a).

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–518; 10 U.S.C. 374 note) is repealed.

(c) EFFECTIVE DATE.—The repeal of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b) shall not affect any support provided under that section that is ongoing as of the date of the enactment of this Act. The support may be continued in accordance with section 263 of title 10, United States Code, as added by subsection (a).

SEC. 333. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COQUETTE, FRANCE.

(a) AUTHORITY TO MAKE GRANT.—The Secretary of the Navy may, using amounts authorized by section 301(1) for operation and maintenance of the Navy-Marine Corps Intranet contract referred to in paragraph (3)(D), contract for one or more additional increments of work stations under the Navy-Marine Corps Intranet contract, with the number of work stations in each additional increment to be determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics. (b) Upon determining the number of work stations in an additional increment for purposes of subparagraph (A), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report, current as of the date of such determination, on the following:

(1) The number of work stations operating on the Navy-Marine Corps Intranet.

(2) The status of testing and implementation of the Navy-Marine Corps Intranet program.

(3) The number of work stations to be contracted for in the additional increment.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination to order any number of work stations to be contracted for under subparagraph (A) in excess of the number permitted under paragraph (2) until—

(i) there has been a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet;

(II) the work stations referred to in clause (i) have met service-level agreements specified in subsection (d), made a grant to the Lafayette Escadrille Memorial Foundation, Inc., for purposes of the repair, restoration, operation, maintenance, and protection of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coquette, France.

(b) GRANT AMOUNT.—The amount of the grant under subsection (a) may not exceed $2,000,000.

(c) USE OF GRANT.—Amounts from the grant under this section may be used for the purchase of property or services for the purpose of preserving, repairing, restoring, operating, maintaining, and protecting the Lafayette Escadrille Memorial in Marnes la-Coquette, France.

SEC. 334. IMPLEMENTATION OF THE NAVY-MARINE CORPS INTRANET CONTRACT.


(b) GRANT AMOUNT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may, using amounts authorized by section 301(1) for operation and maintenance of the Navy-Marine Corps Intranet contract referred to in paragraph (3)(D), contract for one or more additional increments of work stations under the Navy-Marine Corps Intranet contract, with the number of work stations in each additional increment to be determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics. (c) WAIVER OF LIMITATION.—(1) The Secretary of Defense may, using amounts authorized by section 301(1) for operation and maintenance of the Navy-Marine Corps Intranet contract referred to in paragraph (3)(D), contract for one or more additional increments of work stations under the Navy-Marine Corps Intranet contract, with the number of work stations in each additional increment to be determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Upon determining the number of work stations in an additional increment for purposes of subparagraph (A) and section 383 of title 10, United States Code, shall not be counted for purposes of section 2911(a) of such title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under section 2474(b) of such title.

(b) FUNDS FOR FISCAL YEARS 2002 THROUGH 2004.—The funds referred to in subsection (a) are funds available to the military departments for depot-level maintenance and repair workloads for fiscal years 2002, 2003, and 2004.

SEC. 335. MILITARY PERSONNEL AUTONYM AUTHORIZATIONS.

(a) ADDITIONAL PHASE-IN AUTHORITY.—Subsection (b) 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 by adding at the end the following new paragraphs (c) and (d):

‘‘(c) The term ‘provide’, in the case of a work station under the Navy-Marine Corps Intranet contract, means transfer of the legal authority to exercise the waiver authority under paragraph (1).’’

(b) REPORT.—The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary’s strategy regarding the operations of the public depots.

SEC. 336. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 391 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking “March 1, 2000” and inserting “March 1, 2003”.

SEC. 337. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS AUTHORIZATIONS.

The amount authorized to be appropriated by section 306(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

SEC. 338. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CURRICULUM EXPANDED ARABIC LANGUAGE PROGRAM.

The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

SEC. 339. CONSEQUENCE MANAGEMENT TRAINING.

The amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

SEC. 340. CRITICAL INFRASTRUCTURE PROTECTION AUTHORIZATIONS.

The amount authorized to be appropriated by section 301(2), $8,000,000 shall be available for the critical infrastructure protection initiative of the Navy.

TITLE IV—MILITARY PERSONNEL AUTONYM 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, 226,000.

(3) The Marine Corps, 21,000.

(4) The Air Force, 358,000.
### 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, 265,000.
3. The Air Force Reserve, 37,000.
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, administrating, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 23,696.
2. The Army Reserve, 13,406.
3. The Air Force Reserve, 14,811.
4. The Marine Corps Reserve, 2,256.
5. The Air National Guard of the United States, 11,593.
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 Reserve, 6,249.
2. For the Army National Guard of the United States, 25,615.
3. For the Air Force Reserve, 9,818.
4. For the Air National Guard of the United States, 22,422.

### 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, 0.
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 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 1201 of title 10, United States Code, is amended to read as follows:

“(a) Limitation.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty or part-time 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:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Major</th>
<th>Lieutenant</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>1,390</td>
<td>740</td>
<td>290</td>
</tr>
<tr>
<td>11,000</td>
<td>1,520</td>
<td>803</td>
<td>242</td>
</tr>
<tr>
<td>12,000</td>
<td>1,668</td>
<td>864</td>
<td>252</td>
</tr>
<tr>
<td>13,000</td>
<td>1,804</td>
<td>924</td>
<td>262</td>
</tr>
<tr>
<td>14,000</td>
<td>1,940</td>
<td>984</td>
<td>272</td>
</tr>
<tr>
<td>15,000</td>
<td>2,075</td>
<td>1,044</td>
<td>282</td>
</tr>
<tr>
<td>16,000</td>
<td>2,210</td>
<td>1,104</td>
<td>291</td>
</tr>
<tr>
<td>17,000</td>
<td>2,345</td>
<td>1,164</td>
<td>300</td>
</tr>
<tr>
<td>18,000</td>
<td>2,479</td>
<td>1,223</td>
<td>309</td>
</tr>
<tr>
<td>19,000</td>
<td>2,613</td>
<td>1,282</td>
<td>318</td>
</tr>
<tr>
<td>20,000</td>
<td>2,747</td>
<td>1,341</td>
<td>327</td>
</tr>
<tr>
<td>21,000</td>
<td>2,877</td>
<td>1,400</td>
<td>336</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade</th>
<th>Major</th>
<th>Lieutenant</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000</td>
<td>1,500</td>
<td>850</td>
<td>325</td>
</tr>
<tr>
<td>21,000</td>
<td>1,650</td>
<td>930</td>
<td>350</td>
</tr>
<tr>
<td>22,000</td>
<td>1,790</td>
<td>1,010</td>
<td>370</td>
</tr>
<tr>
<td>23,000</td>
<td>1,930</td>
<td>1,085</td>
<td>385</td>
</tr>
<tr>
<td>24,000</td>
<td>2,070</td>
<td>1,160</td>
<td>400</td>
</tr>
<tr>
<td>25,000</td>
<td>2,200</td>
<td>1,235</td>
<td>405</td>
</tr>
<tr>
<td>26,000</td>
<td>2,330</td>
<td>1,305</td>
<td>408</td>
</tr>
<tr>
<td>27,000</td>
<td>2,450</td>
<td>1,375</td>
<td>411</td>
</tr>
<tr>
<td>28,000</td>
<td>2,570</td>
<td>1,445</td>
<td>411</td>
</tr>
<tr>
<td>29,000</td>
<td>2,670</td>
<td>1,515</td>
<td>411</td>
</tr>
<tr>
<td>30,000</td>
<td>2,770</td>
<td>1,580</td>
<td>411</td>
</tr>
<tr>
<td>31,000</td>
<td>2,877</td>
<td>1,644</td>
<td>411</td>
</tr>
</tbody>
</table>

### Table

<p>| Number of officers of that reserve component who may be serving in the grade of: |
|----------------------------------|-----------------|-----------------|-----------------|</p>
<table>
<thead>
<tr>
<th>Major</th>
<th>Lieutenant</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>1,390</td>
<td>740</td>
</tr>
<tr>
<td>11,000</td>
<td>1,520</td>
<td>803</td>
</tr>
<tr>
<td>12,000</td>
<td>1,668</td>
<td>864</td>
</tr>
<tr>
<td>13,000</td>
<td>1,804</td>
<td>924</td>
</tr>
<tr>
<td>14,000</td>
<td>1,940</td>
<td>984</td>
</tr>
<tr>
<td>15,000</td>
<td>2,075</td>
<td>1,044</td>
</tr>
<tr>
<td>16,000</td>
<td>2,210</td>
<td>1,104</td>
</tr>
<tr>
<td>17,000</td>
<td>2,345</td>
<td>1,164</td>
</tr>
<tr>
<td>18,000</td>
<td>2,479</td>
<td>1,223</td>
</tr>
<tr>
<td>19,000</td>
<td>2,613</td>
<td>1,282</td>
</tr>
<tr>
<td>20,000</td>
<td>2,747</td>
<td>1,341</td>
</tr>
<tr>
<td>21,000</td>
<td>2,877</td>
<td>1,400</td>
</tr>
<tr>
<td>22,000</td>
<td>1,500</td>
<td>850</td>
</tr>
<tr>
<td>23,000</td>
<td>1,650</td>
<td>930</td>
</tr>
<tr>
<td>24,000</td>
<td>1,790</td>
<td>1,010</td>
</tr>
<tr>
<td>25,000</td>
<td>1,930</td>
<td>1,085</td>
</tr>
<tr>
<td>26,000</td>
<td>2,070</td>
<td>1,160</td>
</tr>
<tr>
<td>27,000</td>
<td>2,200</td>
<td>1,235</td>
</tr>
<tr>
<td>28,000</td>
<td>2,330</td>
<td>1,305</td>
</tr>
<tr>
<td>29,000</td>
<td>2,450</td>
<td>1,375</td>
</tr>
<tr>
<td>30,000</td>
<td>2,570</td>
<td>1,445</td>
</tr>
<tr>
<td>31,000</td>
<td>2,670</td>
<td>1,515</td>
</tr>
<tr>
<td>32,000</td>
<td>2,770</td>
<td>1,580</td>
</tr>
<tr>
<td>33,000</td>
<td>2,877</td>
<td>1,644</td>
</tr>
</tbody>
</table>
Air Force Reserve:

<table>
<thead>
<tr>
<th>Number of Officers</th>
<th>Major</th>
<th>Lieutenant</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
<td>83</td>
<td>85</td>
<td>59</td>
</tr>
<tr>
<td>1,000</td>
<td>155</td>
<td>165</td>
<td>95</td>
</tr>
<tr>
<td>1,500</td>
<td>220</td>
<td>240</td>
<td>135</td>
</tr>
<tr>
<td>2,000</td>
<td>285</td>
<td>310</td>
<td>170</td>
</tr>
<tr>
<td>2,500</td>
<td>350</td>
<td>369</td>
<td>203</td>
</tr>
<tr>
<td>3,000</td>
<td>413</td>
<td>420</td>
<td>220</td>
</tr>
<tr>
<td>3,500</td>
<td>473</td>
<td>464</td>
<td>238</td>
</tr>
<tr>
<td>4,000</td>
<td>530</td>
<td>500</td>
<td>240</td>
</tr>
<tr>
<td>4,500</td>
<td>585</td>
<td>529</td>
<td>247</td>
</tr>
<tr>
<td>5,000</td>
<td>638</td>
<td>550</td>
<td>254</td>
</tr>
<tr>
<td>5,500</td>
<td>688</td>
<td>565</td>
<td>261</td>
</tr>
<tr>
<td>6,000</td>
<td>736</td>
<td>575</td>
<td>268</td>
</tr>
<tr>
<td>7,000</td>
<td>770</td>
<td>595</td>
<td>280</td>
</tr>
<tr>
<td>8,000</td>
<td>805</td>
<td>615</td>
<td>296</td>
</tr>
<tr>
<td>9,000</td>
<td>835</td>
<td>635</td>
<td>308</td>
</tr>
</tbody>
</table>

Air National Guard:

<table>
<thead>
<tr>
<th>Number of Officers</th>
<th>Lieutenant</th>
<th>Commander</th>
<th>Captain</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000</td>
<td>333</td>
<td>335</td>
<td>253</td>
</tr>
<tr>
<td>6,000</td>
<td>403</td>
<td>394</td>
<td>260</td>
</tr>
<tr>
<td>7,000</td>
<td>472</td>
<td>453</td>
<td>269</td>
</tr>
<tr>
<td>8,000</td>
<td>539</td>
<td>512</td>
<td>274</td>
</tr>
<tr>
<td>9,000</td>
<td>606</td>
<td>571</td>
<td>287</td>
</tr>
<tr>
<td>10,000</td>
<td>673</td>
<td>630</td>
<td>296</td>
</tr>
<tr>
<td>11,000</td>
<td>740</td>
<td>698</td>
<td>305</td>
</tr>
<tr>
<td>12,000</td>
<td>807</td>
<td>742</td>
<td>314</td>
</tr>
<tr>
<td>13,000</td>
<td>873</td>
<td>795</td>
<td>322</td>
</tr>
<tr>
<td>14,000</td>
<td>939</td>
<td>848</td>
<td>332</td>
</tr>
<tr>
<td>15,000</td>
<td>1,005</td>
<td>898</td>
<td>341</td>
</tr>
<tr>
<td>16,000</td>
<td>1,067</td>
<td>948</td>
<td>350</td>
</tr>
<tr>
<td>17,000</td>
<td>1,138</td>
<td>998</td>
<td>359</td>
</tr>
<tr>
<td>18,000</td>
<td>1,185</td>
<td>1,048</td>
<td>368</td>
</tr>
<tr>
<td>19,000</td>
<td>1,235</td>
<td>1,098</td>
<td>377</td>
</tr>
<tr>
<td>20,000</td>
<td>1,266</td>
<td>1,148</td>
<td>380</td>
</tr>
</tbody>
</table>

**“(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 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) Reallocation 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.—**

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.

**“(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 title 32.

2. Full-time National Guard duty (other than for training) under section 502(f) of title 32.

3. Full-time National Guard duty under the authority of sections 506(b) or 506(c) of title 32, other than for training, in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard who may be serving in the grade of:

<table>
<thead>
<tr>
<th>Number of Officers</th>
<th>Lieutenant</th>
<th>Commander</th>
<th>Captain</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>807</td>
<td>447</td>
<td>141</td>
</tr>
<tr>
<td>11,000</td>
<td>867</td>
<td>467</td>
<td>153</td>
</tr>
<tr>
<td>12,000</td>
<td>924</td>
<td>485</td>
<td>163</td>
</tr>
<tr>
<td>13,000</td>
<td>980</td>
<td>503</td>
<td>173</td>
</tr>
<tr>
<td>14,000</td>
<td>1,035</td>
<td>521</td>
<td>183</td>
</tr>
<tr>
<td>15,000</td>
<td>1,088</td>
<td>538</td>
<td>193</td>
</tr>
<tr>
<td>16,000</td>
<td>1,142</td>
<td>555</td>
<td>203</td>
</tr>
<tr>
<td>17,000</td>
<td>1,195</td>
<td>565</td>
<td>213</td>
</tr>
<tr>
<td>18,000</td>
<td>1,246</td>
<td>575</td>
<td>223</td>
</tr>
<tr>
<td>19,000</td>
<td>1,296</td>
<td>585</td>
<td>233</td>
</tr>
<tr>
<td>20,000</td>
<td>1,344</td>
<td>595</td>
<td>242</td>
</tr>
<tr>
<td>21,000</td>
<td>1,394</td>
<td>603</td>
<td>250</td>
</tr>
<tr>
<td>22,000</td>
<td>1,440</td>
<td>610</td>
<td>258</td>
</tr>
<tr>
<td>23,000</td>
<td>1,486</td>
<td>615</td>
<td>265</td>
</tr>
<tr>
<td>24,000</td>
<td>1,536</td>
<td>620</td>
<td>270</td>
</tr>
<tr>
<td>Army Reserve</td>
<td>Air National Guard</td>
<td>Naval Reserve</td>
<td>Marine Corps Reserve</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>--------------------</td>
</tr>
<tr>
<td><strong>10,000</strong></td>
<td>1,650</td>
<td>10,000</td>
<td>1,950</td>
</tr>
<tr>
<td>22,000</td>
<td>1,775</td>
<td>20,000</td>
<td>1,950</td>
</tr>
<tr>
<td>24,000</td>
<td>1,900</td>
<td>24,000</td>
<td>1,980</td>
</tr>
<tr>
<td>26,000</td>
<td>1,945</td>
<td>26,000</td>
<td>1,945</td>
</tr>
<tr>
<td>28,000</td>
<td>1,945</td>
<td>28,000</td>
<td>1,945</td>
</tr>
<tr>
<td>30,000</td>
<td>1,950</td>
<td>30,000</td>
<td>1,970</td>
</tr>
<tr>
<td>32,000</td>
<td>1,950</td>
<td>32,000</td>
<td>1,950</td>
</tr>
<tr>
<td>34,000</td>
<td>1,945</td>
<td>34,000</td>
<td>1,945</td>
</tr>
<tr>
<td>36,000</td>
<td>1,945</td>
<td>36,000</td>
<td>1,945</td>
</tr>
<tr>
<td>38,000</td>
<td>1,945</td>
<td>38,000</td>
<td>1,945</td>
</tr>
<tr>
<td>40,000</td>
<td>1,945</td>
<td>40,000</td>
<td>1,945</td>
</tr>
<tr>
<td>42,000</td>
<td>1,945</td>
<td>42,000</td>
<td>1,945</td>
</tr>
<tr>
<td><strong>2,400</strong></td>
<td><strong>2,300</strong></td>
<td><strong>2,200</strong></td>
<td><strong>2,100</strong></td>
</tr>
<tr>
<td><strong>1,800</strong></td>
<td><strong>1,700</strong></td>
<td><strong>1,600</strong></td>
<td><strong>1,500</strong></td>
</tr>
<tr>
<td><strong>1,300</strong></td>
<td><strong>1,200</strong></td>
<td><strong>1,100</strong></td>
<td><strong>1,000</strong></td>
</tr>
<tr>
<td><strong>800</strong></td>
<td><strong>700</strong></td>
<td><strong>600</strong></td>
<td><strong>500</strong></td>
</tr>
</tbody>
</table>

**Note:**
- The data provided represents the number of members of each reserve component who may be serving in full-time reserve component duty.
- The numbers in the table reflect the maximum authorized strengths for each pay grade as specified by United States Code, title 10, section 12301(d) as of October 1, 2001.

**Explanation:**
- The full-time reserve component duty strengths are set forth in section 12301(d) of title 10, United States Code, effective October 1, 2001.
SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated or designated for military personnel for fiscal year 2002 a total of $82,306,900,000. The authorization in the preceding sentence supersedes any other authorizations of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. GENERAL OFFICER POSITIONS.

(a) INCREASED GRADE FOR VICE CHIEF OF NATIONAL GUARD BUREAU.—Section 5066(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) INCREASED GRADE FOR HEADS OF NURSE CORPS OF THE ARMED FORCES.—(1) Section 3069(b) of title 10, United States Code, is amended by striking “brigadier general” in the second sentence and inserting “major general”.

(2) The first sentence of section 5150(c) of such title is amended—

(A) by inserting preceding admiral (upper half) in the case of an officer in the Nurse Corps or after “for promotion to the grade of”;

and

(B) by inserting “in the case of an officer in the Medical Service Corps” after “rear admiral (lower half)”. (3) Section 6069(b) of such title is amended by striking “or lieutenant general” in the second sentence and inserting “general major”.

(c) APPOINTMENT AND GRADE OF CHIEF OF ARMY VETERINARY CORPS.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section:

“3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.

“(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

“(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who is selected by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general by the Chief serving in the capacity of the Secretary, but not for more than four years, and may not be reappointed to the same position.

“(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.

“(d) EXCLUSIONS FROM LIMITATION OF ACTIVE DUTY OFFICERS IN GRADES ABOVE MAJOR GENERAL.—Section 526(b) of such title is amended—

(1) in paragraph (2)(B), by striking “16.2 percent” and inserting “17.5 percent”;

(2) in paragraph (3), by inserting “(A)” after “(B)”; and

(3) by adding at the end the following new subparagraph:

“(C) an officer while serving as the Senior Medical Assistant to the Secretary of Defense, if serving in the grade of general or lieutenant general, or admiral or vice admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under paragraph (1) or (2);”;

and

(4) by striking paragraph (6) and inserting the following:

“(6)(A) An officer while serving in a position in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer’s armed force for officers serving on active duty in grades above major general under paragraph (3).

“(B) Subparagraph (A) applies with respect to the following positions:

“(i) Chief of the National Guard Bureau.

“(ii) Vice Chief of the National Guard Bureau.”.

(d) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL, OR ADMIRAL.—(1) Section 529 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 529.

SEC. 502. REDUCTION OF TIME-IN-RANK REQUIREMENT FOR ELIGIBILITY FOR PROMOTION TO GRADES OF LIEUTENANTS AND LIEUTENANTS JUNIOR GRADE.

Paragraph (1) of section 619(a) of title 10, United States Code, is amended by striking “the following period of service” and all that follows through the end of the paragraph and inserting “eighteen months of service in the grade in which he holds a permanent appointment.”.

SEC. 503. PROMOTION OF OFFICERS TO THE GRADE OF CAPTAIN IN THE ARMY, AIR FORCE, OR MARINE CORPS OR TO THE GRADE OF LIEUTENANT IN THE NAVY, WITHOUT SELECTION BOARD ACTION.

(a) ACTIVE-DUTY LIST PROMOTIONS.—(1) Section 624(a) of title 10, United States Code, is amended by inserting “except in the case of promotions recommended under section 624(a)(3) of this title, under”.

(2) Section 624(a) of such title is amended by adding at the end the following new paragraph:

“(3) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote for the grade of captain (for officers of a reserve component of the Army, Air Force, or Marine Corps) or lieutenant (for officers of the Regular Army, Regular Navy, or Marine Corps) any full qualified officers on the reserve active-status list in the permanent grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title, if the Secretary of the military department concerned determines that all such officers are needed in the higher grade to accomplish mission objectives.

Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.”.

(b) RESERVE ACTIVE-STATUS LIST PROMOTIONS.—(1) Section 14308(b)(4) of title 10, United States Code, is amended by striking “Whenever” and inserting “Except in the case of promotions recommended under section 14308(b)(4) of this title, whenever”.

(2) Section 14308(b) of such title is amended by adding at the end the following new paragraph:

“(4) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote for the grade of captain (for officers of a reserve component of the Army, Air Force, or Marine Corps) or lieutenant (for officers of the Regular Army, Regular Navy, or Marine Corps) any full qualified officers on the reserve active-status list in the permanent grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title, if the Secretary of the military department concerned determines that all such officers are needed in the higher grade to accomplish mission objectives.

Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.”.

(3) Section 14301 of such title is amended by adding at the end the following new subsection:

“(c) For the purposes of this chapter—

“(1) a recommendation made by the Secretary of the military department concerned under section 14308(b)(4) of this title that is approved by the President shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title but is not fully qualified for promotion when recommending for promotion under section 14308(b)(4) of this title, whenever

“(2) a recommendation of the Secretary of the military department concerned under section 14308(b)(4) of this title that is approved by the President and is matched by a recommendation of the Secretary of Defense for the grade of first lieutenant (in the case of an officer in a reserve component of the Army, Air Force, or Marine Corps) or the grade of lieutenant (junior grade) (in the case of an officer of the Naval Reserve) shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title that is approved by the President; and

“(3) an officer on a reserve active-status list who holds the grade of first lieutenant (in the case of an officer in a reserve component of the Army, Air Force, or Marine Corps) or the grade of lieutenant (junior grade) (in the case of an officer of the Naval Reserve) shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title that is approved by the President and is matched by a recommendation of the Secretary of Defense for the grade of first lieutenant, whenever.

“(d) EXCLUSIONS FROM LIMITATION OF ACTIVE DUTY OFFICERS IN GRADES ABOVE MAJOR GENERAL.—Section 526(b) of such title is amended—

(1) in paragraph (2)(B), by striking “16.2 percent” and inserting “17.5 percent”;

(2) in paragraph (3), by inserting “(A)” after “(B)”; and

(3) by adding at the end the following new subparagraph:

“(C) an officer while serving as the Senior Medical Assistant to the Secretary of Defense, if serving in the grade of general or lieutenant general, or admiral or vice admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under paragraph (1) or (2);”;

and

(4) by striking paragraph (6) and inserting the following:

“(6)(A) An officer while serving in a position in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer’s armed force for officers serving on active duty in grades above major general under paragraph (3).

“(B) Subparagraph (A) applies with respect to the following positions:

“(i) Chief of the National Guard Bureau.

“(ii) Vice Chief of the National Guard Bureau.”.

(d) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL, OR ADMIRAL.—(1) Section 529 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 529.

SEC. 504. AUTHORITY TO ADJUST DATE OF RANK.

Section 303(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(d) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under section 624(a) of this title if the appointment is to a grade below which the officer is delay by unusual and circumstances that cause an unintended delay in the processing or approval of—
SEC. 505. EXTENSION OF DEFERMENTS OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.

Section 640 of title 10, United States Code, is amended—

(1) by inserting “(a) DEFERMENT.—” before “The Secretary”; and

(b) by adding at the end the following new subsection:

“(b) AUTHORITY TO EXTEND.—In the case of an officer whose retirement or separation under any of sections 632 through 638, or section 1251, of this title is deferred under subparagraph (a), the Secretary of the military department concerned may extend the period of not more than 30 days following the completion of the evaluation of the officer’s physical condition if the Secretary determines that continuation of the officer would facilitate the officer’s transition to civilian life.”.

SEC. 506. EXEMPTION FROM ADMINISTRATIVE LIMITATIONS ON RETIRED MEMBERS ORDERED TO ACTIVE DUTY AS DEFENSE AND SERVICE ATTACHES.

(a) LIMITATION OF PERIOD OF RECALLED SERVICE.—(1) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer under subparagraph (A) to a higher grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent in compliance with the applicable authorized strengths for officers in that grade and competitive category.

(2) The adjusted date of rank applicable to the appointment of an officer under subparagraph (A) shall be the effective date for the officer’s pay and allowances for the grade and for the officer’s position on the active-duty list.

(b) RESERVE OFFICERS. —Section 14308(c) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following paragraph (2):

“(2)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under this section if the appointment is to a grade below O–7 and is delayed by reason of unusual circumstances that cause an unintended delay in the processing or approval of—

(i) a report of a selection board recommending the appointment of the officer to that grade; or

(ii) the promotion list established on the basis of that report.

(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent with the officer’s position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent in compliance with the applicable authorized strengths for officers in that grade and competitive category.

(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer’s pay and allowances for the grade and for the officer’s position on the active-duty list.

(D) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer to a higher grade under subparagraph (A) to a date that is prior to the date of the advice and consent of the Senate on the appointment. The notification shall state the reasons of the officer and a discussion of the reasons for the adjustment.”.

SEC. 507. CERTIFICATIONS OF SATISFACTORY PERSONNEL STATUS AND RECOMMENDATION FOR PRIMA RETIREMENTS OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND BRIGadier GENERAL.

Section 1370(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(c) The Secretary of Defense may delegate authority to make a certification for an officer under paragraph (a) to the Under Secretary of Defense for Personnel and Readiness or to the Under Secretary of Defense for Personnel and Readiness. The certification authority may be delegated to any other official.

(D) An officer who is assigned to duty as a defense attaché or service attaché on or after the date of the enactment of this Act.”.

SEC. 508. EFFECTIVE DATE OF MANDATORY SEPARATION OR RETIREMENT OF REGULAR OFFICER DELAYED UNDER EMERGENCY AUTHORITY OF THE PRESIDENT.

Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) In the case of an officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Coast Guard who was placed on the active-duty list by reason of a suspension under this section, the separation or retirement of the officer upon termination of the suspension shall take effect on the date elected by the officer, but not later than 90 days after the date of the termination of the suspension.”.

SEC. 509. DETAIL AND GRADE OF OFFICER IN CHARGE OF THE UNITED STATES NAVY BAND.

Section 6221 of title 10, United States Code, is amended—

(1) by inserting “(a) ESTABLISHMENT.—”; and

(2) by adding at the end the following new subsection:

“(b) OFFICER IN CHARGE.—(1) An officer serving in a grade above lieutenant may be detailed as Officer in Charge of the United States Navy Band.

(2) While serving as Officer in Charge of the United States Navy Band, an officer holds the grade of captain if appointed to that grade by the President, by and with the advice and consent of the Senate, notwithstanding the limitation in section 5596(d) of this title.”.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. REAUTHORIZATION AND EXPANSION OF TEMPORARY WAIVER OF THE REQUIREMENT FOR A BACCA laureate DEGREE FOR THE PROMOTION OF CERTAIN RESERVE OFFICERS OF THE ARMY.


(b) EXPANSION OF ELIGIBILITY.—Subsection (a)(1) of such section is amended by striking “before the date of the enactment of this Act”.

SEC. 512. STATUS LIST OF RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) CLARIFICATION.—Section 641(d)(D) of title 10, United States Code, is amended to read as follows:

“(D) An officer on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), under a call or order to active duty concerning the period of three years or less and continuation (pursuant to regulations prescribed by the Secretary concerned) on the reserve active-status list, shall be treated as placed on the reserve active-status list.”.

(b) RETROACTIVE AUTHORIZATIONS.—(1) The Secretary of the military department concerned—

(i) may place on the active-duty list of the armed force concerned any officer under the jurisdiction of the Secretary who was placed on the reserve active-status list under subparagraph (A) of such section by a call or order to active duty concerning the period of three years or less and continuation (pursuant to regulations prescribed by the Secretary concerned) on the reserve active-status list, and

(ii) may place the officer on the active-duty list of the armed force concerned by order of the Secretary of the military department concerned.

(2) By order of the Secretary concerned, any officer on the reserve active-status list shall be treated as having been on the active-duty list continuously from the date on which the officer was placed on the reserve active-status list as described in that subparagraph.

(3) The Secretary of the military department concerned may promulgate regulations governing active-status list for the purpose of active-duty list as described in that subparagraph.

(4) By order of the Secretary concerned, an officer placed on the active-duty list under subparagraph (A) as having been on the active-duty list continuously from the date on which the officer was placed on the reserve active-status list shall be treated as having been on the reserve active-status list as described in that subparagraph.

(5) By order of the Secretary concerned, an officer placed on the active-duty list under subparagraph (A) as having been on the active-duty list continuously from the date on which the officer was placed on the reserve active-status list shall be treated as having been on the reserve active-status list as described in that subparagraph.
Code, other than as described under section 641(1)(C) of such title, under a call or order to active duty specifying a period of three years or less.

SEC. 513. EQUAL TREATMENT OF RESERVES AND FULL-TIME ACTIVE DUTY MEMBERS FOR PURPOSES OF MANAGING DEATH OF PERSONNEL.

(a) RESIDENCE OF RESERVES AT HOME STATION.—Section 99(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member’s residence) that the member usually occupies for use during off-duty time when on garrison duty at the permanent change of station or homeport, as the case may be."

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 2001, and shall apply with respect to duty performed on or after that date.

SEC. 514. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

Section 10206 of title 10, United States Code, is amended by—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “Ready Reserve” and inserting “active status”; and

(ii) by striking “his” and inserting “the member”;

(B) in the second sentence, by striking “Each Reserve” and inserting the following:

“(c) Each Reserve”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) A member of the Individual Ready Reserve for training, or other active duty, or for promotion, attendance at a school of the armed forces, or other action related to career progression.”.

SEC. 515. MEMBERS OF RESERVE COMPONENTS AFFLICTED WHILE REMAINING OVERTIME AT ACTIVITY AT UNIFORMED SERVICES MEDICAL CENTER OR DENTAL HOSPITAL IN DISTANCE OF HOME.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS.—Section 1076(a)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

(b) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Section 1076A(a)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 12112(b)(11) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1841(a)(2)(D) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

(e) ENTITLEMENT TO BASIC PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)(D), by inserting before the semicolon the following: “or if the member remained overnight for another reason authorized under applicable regulations”; and

(2) in subsection (h)(1)(D), by inserting before the semicolon the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

(f) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 991(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: “or if the member remained overnight for another reason authorized under applicable regulations”.

SEC. 516. RETIREMENT OF RESERVE PERSONNEL WITHOUT REQUEST.

(a) RETIREMENT.—Section 10154(2) of title 10, United States Code, is amended by striking “upon their request”.

(b) RETIREMENT FOR FAILURE OF SELECTION OF PROMOTION.—Section 14513 of title 10, United States Code, is amended by striking “if the officer is qualified” and the following: “and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve”. (2) by striking paragraph (2) and inserting the following:

“(2) The heading for such section is amended to read as follows:

“§ 14513. Transfer, retirement, or discharge for failure of selection of promotion.”

(c) RETIREMENT FOR YEARS OF SERVICE ON AFTER SELECTION FOR EARLY REMOVAL.—Section 14514 of such title is amended—

(1) in paragraph (1), by striking “§ 18505. Reserves traveling for inactive-duty training: space-required travel on military aircraft.” and inserting “if the officer is qualified and applies for such transfer” and inserting “if the officer is qualified and applies for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve”; and

(2) by striking paragraph (2) and inserting the following:

“(2) be discharged from the officer’s reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve.”

SEC. 517. SPACE-REQUIRED TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) CORRECTION OF IMPAIRMENT TO AUTHORIZED TRAVEL WITH ALLOWANCES.—Section 18506(a) of title 10, United States Code, is amended by striking “annual training duty or” each place it appears.

(b) CONFORMING AMENDMENTS.—(1) The heading for such section is amended to read as follows:

“(§ 18506. Reserves traveling for inactive-duty training: space-required travel on military aircraft.”

(2) The item relating to such section in the table of contents at the beginning of chapter 1207 of title 37, United States Code, is amended to read as follows:

“1207. Reserves traveling for inactive-duty training: space-required travel on military aircraft.”

Subtitle C—Education and Training

SEC. 531. IMPROVED BENEFITS UNDER THE ARMY COLLEGE FIRST PROGRAM.

(a) INCREASED MAXIMUM PERIOD OF DELAYED ENTRY.—Section 573 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 623; 10 U.S.C. 513 note) is amended—
(1) in subsection (b)—
(A) by striking the matter preceding paragraph (1) and inserting the following:
(1) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—
"(1) exercise the authority under section 513 of title 10, United States Code—
(B) in paragraph (1) and (2) as subparagraphs (A) and (B), respectively, and realigning those subparagraphs four ems from the left margin;
(C) in subparagraph (A), as so redesignated, by inserting "and" after the semicolon; and
(D) in subparagraph (B), as so redesignated, by striking "two years after the date of such enlistment" and inserting "the maximum period of delay determined for the person under subsection (c); and"

(2) in subsection (c)—
(A) by striking paragraph (2) and inserting "paragraph (1)(B)";
(B) by striking "two-year period" and inserting "30-month period"; and
(C) by striking "paragraph (1)" and inserting "paragraph (1)(A)".

(3) INELIGIBILITY FOR LOAN REPAYMENTS.—
(A) Such section is further amended—
(A) in subsection (b), by striking paragraph (3) and inserting the following:
(3) The heading for such subsection (d) and except as provided in paragraph (3) of such subsection, pay an allowance to the person for each month of that period during which such person is enrolled in and pursuing such a program; and

(B) in subsection (d)—
(i) by redesignating paragraph (2) as paragraph (4); and

(ii) by striking paragraph (1) and inserting the following new paragraphs:
(1) The monthly allowance paid under subsection (d) shall be equal to the amount of the subsistence allowance provided for on or after that date, are eligible for any benefits under chapter 109 of title 10, United States Code.

(2) An allowance may not be paid to a person under this section for more than 24 months.

(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which such reserve component trains satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 1002, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary.

(4) The heading for such subsection is amended by striking "AMOUNT".

(c) INELIGIBILITY FOR LOAN REPAYMENTS.—
Such section is further amended—
(1) by redesignating subsections (e), (f), (g) and (h) as subsections (g), (h), (i), respectively, and
(2) by inserting after subsection (d) the following subsection:
(2) INELIGIBILITY FOR LOAN REPAYMENTS.—A person who has received an allowance under this section is further eligible for any benefits under chapter 109 of title 10, United States Code, or section 1002, United States Code.

(d) RECOUPMENT OF ALLOWANCE.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:
(1) RECOUPMENT OF ALLOWANCE.—(1) A person who receives an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.
(2) A person who repays the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authorized under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to persons who, on or after that date, are enlisted as officers under section 513 of title 10, United States Code, with delayed entry authorized under that section.

SEC. 852. REPEAL OF LIMITATION ON NUMBER OF OFFICERS' TRAINING CORPS UNITS.

Section 2631(a)(1) of title 10, United States Code, is amended by adding at the end the following new subsection:
"(g) Acceptance of a fellowship, scholarship, or grant in aid of education for training described in subsection (a) in accordance with section 3293(a) of this title does not disqualify the officer accepting it from the laws of the State in which the officer is domiciled with respect to such fellowship, scholarship, or grant."

SEC. 853. ACCEPTANCE OF FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS FOR LEGAL EDUCATION OF OFFICERS PARTICIPATING IN THE FEDERALLY FUNDED LEGAL EDUCATION PROGRAM.

(a) FELLOWSHIP, SCHOLARSHIP, OR GRANT.—Section 3293 of title 10, United States Code, is amended by adding at the end the following new subsection:
"(h) Acceptance of a fellowship, scholarship, or grant in aid of education for training described in subsection (a) in accordance with section 3293(a) of this title does not disqualify the officer accepting it from the laws of the State in which the officer is domiciled with respect to such fellowship, scholarship, or grant. Acceptance of a fellowship, scholarship, or grant under this section and the requirements established by the Marine Corps University for the degree of master of strategic studies are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States.

(b) Condition for Initial Exercise of Authority.—(1) The President of the Marine Corps University may exercise the authority provided under section 3293 of title 10, United States Code, only after the Secretary of Education has notified the Secretary of the Navy of a determination made under paragraph (2) that the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States.

(2) The Secretary of Education shall review the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies, determine whether the requirements are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States, and notify the Secretary of the Navy of the determination.

SEC. 536. FOREIGN PERSONS ATTENDING THE UNITED STATES MILITARY ACADEMY AND UNITED STATES NAVAL ACADEMY.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4244 of title 10, United States Code, is amended by striking "not more than 60 persons" and inserting "not more than 60 persons.

(2) Subsection (b) of such section is amended—
(A) in paragraph (1), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" and inserting "unless a written waiver of reimbursement is granted by the Secretary of Defense"; and

(B) by striking paragraph (3) and inserting the following:
(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (1) in the case of a partial waiver, the Secretary shall establish the amount waived.

(b) UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)(1) of section 6957 of such title is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—
(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense"; and

(B) by striking paragraph (3) and inserting the following:
(3) The Secretary of the Navy may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a midshipman under paragraph (1) in the case of a partial waiver, the Secretary shall establish the amount waived.


SEC. 553. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) AUTHORITY.—(1) Subsection (a) of section 7102 of title 10, United States Code, is amended to read as follows:
"(a) AUTHORITY.—Upon the recommendation of the Director and faculty of a college of the Marine Corps University, the President of the Marine Corps University may confer a degree upon graduates of the college who fulfill the requirements for the degree, and

(1) For the Marine Corps War College, the degree of master of strategic studies.

(2) For the Command and Staff College, the degree of master of military studies.

(2)(A) The heading for such section is amended to read as follows:
"7102. Marine Corps University: masters degrees.

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of title 10, United States Code, is amended to read as follows:
"7102. Marine Corps University: masters degrees.

(c) CONDITION FOR INITIAL EXERCISE OF AUTHORITY.—(1) The President of the Marine Corps University may exercise the authority provided under section 7102 of title 10, United States Code, only after the Secretary of Education has notified the Secretary of the Navy of a determination made under paragraph (2) that the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States.

(2) The Secretary of Education shall review the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies, determine whether the requirements are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States, and notify the Secretary of the Navy of the determination.

SEC. 538. GRANT OF DEGREE BY DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"Under regulations prescribed by the Secretary of Defense, the Commandant of the Foreign Language Center of the Defense Language Institute may confer an associate of arts degree in foreign language upon graduates of the institute who fulfill the requirements for the degree, as certified by the Provost of the Institute.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
"2167. Defense Language Institute: associate of arts."
(a) Medical and Dental Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Programs Leading to Initial Medical or Dental Degree.—(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 of the armed forces;

(B) is enrolled or has been accepted for enrollment in an accredited medical or dental school in a program of education and training that will result in an initial degree in medicine or dentistry.

(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 that the student is satisfactorily progressing toward an initial degree in medicine or dentistry in a program of an accredited medical or dental school;

(B) the participant shall not be eligible to receive a 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;

(D) the participant shall agree—

(i) to complete the program of education and training in which enrolled or accepted for enrollment as described in paragraph (1)(B);

(ii) to accept an appointment or designation in the participant’s reserve component, if based upon the participant’s health profession, following satisfactory completion of the educational and internship components of the program of education and training;

(iii) if required by regulations prescribed by the Secretary of Defense, to apply for (if eligible) and complete graduate medical residency training in a health profession skill that has been designated by the Secretary of Defense as a skill critically needed by the armed forces in accordance with the program carried out under this section; and

(iv) to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (d).

(3) Except as provided in subparagraph (B), the minimum period for which a participant shall serve shall be one year in the Selected Reserve for each six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the agreement shall terminate upon the participant’s discharge, retirement, or death.

(2) Subsection (b) of such section is amended—

(A) by striking "SPECIALTIES.—" and inserting "WARTIME SPECIALTIES.—"; and

(B) in paragraph (2), by striking "one year in the Ready Reserve for each six months." and inserting "one year in the Ready Reserve for each year.";

(3) Subsection (c) of such section is amended—

(A) by striking paragraph (3) and inserting "(3)(A) Except as provided in subparagraph (B), the minimum period for which a participant shall serve in the Selected Reserve under that agreement and the agreement under subparagraph (F) of such section is five years, or part thereof, for which a stipend was provided under this section.

(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the agreement shall terminate upon the participant’s discharge, retirement, or death.

(C) U.S. AIR FORCE ACADEMY.—(1) Subsection (a)(1) of section 9344 of such title is amended—

(A) by redesignating subsection (b) as subsection (c);

(B) by striking paragraph (3) and inserting "(3)(A) Except as provided in subparagraph (B), the minimum period for which a participant shall serve in the Selected Reserve under that agreement and the agreement under subparagraph (F) of such section is five years, or part thereof, for which a stipend was provided under this section.

(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the agreement shall terminate upon the participant’s discharge, retirement, or death.

(C) U.S. MILITARY ACADEMY.—(1) Subsection (a)(2) of section 9344 of such title is amended—

(A) by inserting after subsection (d) the following new subsection:

"(d) APPLICABILITY.—The amendments made by this section shall apply with respect to academic years that begin after October 1, 2001.

SEC. 537. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTHCARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE STUDENTS IN PROGRAMS OF EDUCATION LEADING TO INITIAL DEGREE IN MEDICINE OF DENTISTRY.

(a) Medical and Dental Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Programs Leading to Initial Medical or Dental Degree.—(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 of the armed forces;

(B) is enrolled or has been accepted for enrollment in an accredited medical or dental school in a program of education and training that will result in an initial degree in medicine or dentistry in medicine or dentistry.

(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 that the student is satisfactorily progressing toward an initial degree in medicine or dentistry in a program of an accredited medical or dental school;

(B) the participant shall not be eligible to receive a 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;

(D) the participant shall agree—

(i) to complete the program of education and training in which enrolled or accepted for enrollment as described in paragraph (1)(B);

(ii) to accept an appointment or designation in the participant’s reserve component, if based upon the participant’s health profession, following satisfactory completion of the educational and internship components of the program of education and training; and

(iii) if required by regulations prescribed by the Secretary of Defense, to apply for (if eligible) and complete graduate medical residency training in a health profession skill that has been designated by the Secretary of Defense as a skill critically needed by the armed forces in accordance with the program carried out under this section; and

(iv) to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (d).

(3) Except as provided in subparagraph (B), the minimum period for which a participant shall serve shall be one year in the Selected Reserve for each six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the agreement shall terminate upon the participant’s discharge, retirement, or death.

(2) Subsections (b)(2)(A) and (c)(2)(A) of such section are amended by striking "one year in the Ready Reserve for each six months." and inserting "one year in the Ready Reserve for each year.";

(3) Subsection (c)(2)(D) of such section is amended—

(A) by striking "SPECIALTIES.—" and inserting "WARTIME SPECIALTIES.—"; and

(B) in paragraph (2), by striking "one year in the Ready Reserve for each six months." and inserting "one year in the Ready Reserve for each year.";

(4) The reporting requirement under this subsection shall terminate upon the submittal of the report due on January 31, 2006.

SEC. 539. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) Authority to Transfer to Family Members.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"3020. Transfer of entitlement to basic educational assistance; members of the Armed Forces with critical military skills.

"(a) In General.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary’s sole discretion, permit an individual described in subsection (b) to transfer his remaining entitlement to basic educational assistance under this subchapter to his family member described in subsection (c) for the purposes of this section; or

"(b) Eligible Individuals.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of approval of the Secretary concerned for the purposes of this section; or

"(c) Eligible Individuals.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of approval of the Secretary concerned for the purposes of this section; or

"(d) Use of Existing Authorities.—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall exercise authorities provided to the Secretaries, respectively, under other laws relating to support of medical education and the cooperative use of facilities.

(f) Period of Program.—Any pilot program carried out under this section shall begin not later than August 1, 2002, and shall terminate on July 31, 2007.

(i) Annual Report.—Not later than January 31, 2003, and January 31 of each year thereafter, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the conduct of the pilot program during each fiscal year.

(j) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of section 535 is amended by redesignating subsection (b) as subsection (c).

(2) Subsection (b)(2)(A) and (c)(2)(A) of such section are amended by striking ''subsection (f)'' and inserting ''subsection (e)''.
“(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

“(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer entitlement to basic educational assistance under this section may transfer the individual’s entitlement as follows:

“(1) To the individual’s spouse.

“(2) To one or more of the individual’s children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

“(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to basic educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

“(2) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitations of section 3020 of this title, a transfer of entitlement to basic educational assistance under this section may not commence the use of the transferred entitlement at any time after the approval of individual’s request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

“(2) (A) An individual transferring entitlement under this section may modify or revoke such transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement at any time after the approval of individual’s request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

“(1) In the case of entitlement transferred to a spouse, the completion by the individual making the transfer of 6 years of service in the Armed Forces.

“(2) In the case of entitlement transferred to a child, both—

“(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be subject to paragraphs (1) and (2) of section 3031 of this title.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(i) NOTWITHSTANDING section 3031 of this title, a transfer of entitlement under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(j) The provisos of this chapter (including the provisos set forth in section 3031(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

“(k) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(l) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable with respect to a dependent to whom entitlement is transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of section 3685 of this title.

“(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (f)(1), the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent shall be charged against the basic educational assistance transferred under this section.

“(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

“(A) by reason of the death of the individual; or

“(B) for a reason referred to in section 3011(a)(1)(A)(ii)(II) of this title.

“(m) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section subject to the approval of the Secretary of Defense Education Benefits Fund under section 2006 of title 10 in the fiscal year to cover the present value of future benefits payable from the Fund for the fiscal year.

“(n) REQUIREMENT OF CERTIFICATION.—The Secretary of Defense shall prescribe regulations for purposes of the exercise of the authority granted by section 3020 of title 38, United States Code, as added by subsection (b), to a dependent to whom entitlement is transferred under this section.

“(o) DEFINITIONS.—In this section—

“(1) the term ‘Secretary concerned’ means—

“(A) the Secretary of the Army with respect to matters concerning the Navy; or

“(B) the Secretary of the Navy with respect to matters concerning the Navy; or

“(C) the Secretary of the Air Force with respect to matters concerning the Air Force; and

“(D) the Secretary of the Air Force under section 1014(b) of title 38, United States Code, as added by section 3 of Public Law 105–329, is amended by inserting after the item relating to section 3019 the following new item:

“(3) 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills.”.

“(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following:

“(D) The present value of future benefits payable from the Fund for the Department of Defense Education Benefits Fund under section of title 10 of this title shall be determined in accordance with subsection (a) of section 3031 of title 38.

“(e) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (b), to a dependent to whom entitlement is transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of section 3020 of title 10 during such period.

“SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS’ TRAINING CORPS.

“(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting “the regular component or” after “enlist in”.

“(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE.—Section 2002(c) of title 37, United States Code, is amended by inserting before the period at the end the following:

“; except that the rate for a cadet or midshipman who is a member of the regular component of an armed force shall be the
rate of basic pay applicable to the member under section 203 of this title".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on March 13, 2001.

Subtitle D—Decorations, Awards, and Commendations

SEC. 551. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VASCESE FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding any time limitations specified in section 3741 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. Vascese for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the acts of Humbert R. Vascese between October 29, 1965, and September 26, 1965, while interred as a prisoner of war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

SEC. 552. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran described in subsection (b) to determine whether or not that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross.

(2) Any other Jewish American war veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America 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, 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 in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3741, 6248, or 8741 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;

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, Air Force Cross, or any other award is warranted;

(g) JEWISH AMERICAN WAR VETERAN DEFINED.—In 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 personnel records.

SEC. 553. ISSUANCE OF DUPLICATE AND REPLACEMENT MEDALS OF HONOR.

(a) ARMY.—(1)(A) Chapter 357 of title 10, United States Code, is amended by inserting after section 3747 the following new section:


"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Army may issue to the person one duplicate medal of honor, with ribbons and appurtenances, if the award of more than one medal of honor prohibited by section 3744(a) of this title.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 3744(a) of this title.

"(d) JEWISH AMERICAN WAR VETERAN DESIGNATION.—The award of the Medal of Honor to that veteran is warranted, the Secretary shall prescribe the manner in which the duplicate medal is marked.

(2) Section 3747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost.".

(b) NAVY AND MARINE CORPS.—(1)(A) Chapter 567 of title 10, United States Code, is amended by inserting after section 6253 the following new section:


"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Navy may issue to the person one duplicate medal of honor, with ribbons and appurtenances, if the award of more than one medal of honor prohibited by section 8744(a) of this title.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 8744(a) of this title.

"(d) JEWISH AMERICAN WAR VETERAN DESIGNATION.—The award of the Medal of Honor to that veteran is warranted, the Secretary shall prescribe the manner in which the duplicate medal is marked.

(2) Section 8747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost.".

(c) AIR FORCE.—(1)(A) Chapter 857 of title 10, United States Code, is amended by inserting after section 8747 the following new section:


"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Air Force may issue to the person one duplicate medal of honor, with ribbons and appurtenances, if the award of more than one medal of honor prohibited by section 8744(a) of this title.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 8744(a) of this title.

"(d) JEWISH AMERICAN WAR VETERAN DESIGNATION.—The award of the Medal of Honor to that veteran is warranted, the Secretary shall prescribe the manner in which the duplicate medal is marked.

(2) Section 8747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost.".

SEC. 554. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS 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 such decoration being referred by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Wayne T. Alderson, of Glassport, Pennsylvania, for gallantry in action from March 15 to March 18, 1945, while serving as a member of the Army.

(c) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II (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 30, 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 the waiver of time limitations prescribed for the issuance of such award is recommended.

SEC. 555. SENSE OF SENATE ON ISSUANCE OF KOREA DEFENSE SERVICE MEDAL.

It is the sense of the Senate that the Secretary of Defense should consider authorizing the issuance of a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Armed Forces served in the Republic of Korea, or the waters adjacent thereto, during the period beginning on March 15, 1951, and ending on such date that the Secretary considers appropriate.

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 83–105, 78 Stat. 1061 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1502 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning after the enactment of this Act shall be the amount of special pension provided for by law for that month.
month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Subtitle E—Federal Honors Duty

SEC. 552. ACTIVE DUTY END STRENGTH EXCLUSION FOR RESERVES ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR FUNERAL HONORS DUTY.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) Members of reserve components on active duty or full-time National Guard duty to prepare for and to perform funeral honors functions under section 1491 of this title.”.

SEC. 562. PARTICIPATION OF RETIREEES IN FUNERAL HONORS DETAILS.

(a) AUTHORITY.—(1) Subsection (b)(2) of section 191 of title 10, United States Code, is amended by inserting “; members or former members of the armed forces in a retired status,” in the second sentence after “members of the armed forces.”.

(2) Subsection (b) of such section is amended to read as follows:

“(b) DEFINITIONS.—In this section:

“(1) The term ‘retired status’, with respect to a member or former member of the armed forces, means that the member or former member—

“(A) is on a retired list of an armed force;

“(B) is entitled to receive retired or retainer pay;

“(C) except for not having attained 60 years of age, would be entitled to receive retired pay upon application under chapter 1223 of title 10 of this title; or

“(2) The term ‘veteran’ means a decedent who—

“(A) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonor; or

“(B) was a member or former member of the Selected Reserve described in section 2301(f) of title 38; or

(b) FUNERAL HONORS DUTY ALLOWANCE.—

Section 435a of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(a) ALLOWANCE AUTHORIZED”;

(2) by adding at the end the following new paragraph:

“(2)(A) The Secretary concerned may authorize the payment of an allowance to a member or former member of the armed forces in a retired status (as defined in section 191(h) of title 10) for the purpose of engaging as a member of a funeral honors detail under section 1491 of title 10 for a period of at least two hours, including time for preparation.

“(B) An allowance paid to a member or former member under subparagraph (A) shall be in addition to any retired or retainer pay or other compensation to which the member or former member is entitled under this title or title 10 or 38.”.

SEC. 563. BENEFITS AND PROTECTIONS FOR MEMBERS IN A FUNERAL HONORS DUTY STATUS.

(a) FUNERAL HONORS DUTY DEFINED.—

Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) The term ‘funeral honors duty’ means duty in section 12503 of this title or section 115 of title 32.”.

(b) APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE.—Section 803 of title 10, United States Code, is amended by inserting “; members or former members of the armed forces engaged in funeral honors duty” before “in active-duty training”.

(c) COMMISSARY STORES PRIVILEGES FOR DEFENDANTS OF A DECLARED RESERVE COMPONENT MEMBER.—Section 106(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking “or” the first place it appears; and

(B) by inserting “; or, funeral honors duty” before the semicolon.

(2) in paragraph (2)—

(A) by striking “or” the third place it appears; and

(B) by inserting “; or, funeral honors duty” before the period.

(d) PAYMENT OF A DEATH GRATUITY.—

(1) Section 1745(a)(1) of such title is amended—

(A) in paragraph (1)—

(i) by striking “or inactive duty training” the first place it appears and inserting “inactive-duty training”;

(ii) by inserting “; or funeral honors duty.” after “Public Health Service”;

and

(B) in paragraph (2)—

(i) by striking “or inactive duty training”;

(ii) by inserting “; or inactive duty training” the second place it appears and inserting “; inactive-duty training, or funeral honors duty”.

(2) Section 1746(a) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “or”;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”;

and

(iii) by adding at the end the following new subparagraph:

“(C) funeral honors duty.”;

and

(B) in paragraph (2), by striking “or inactive-duty training” and inserting “; or inactive-duty training, or funeral honors duty”.

(e) MILITARY AUTHORITY FOR MEMBERS OF THE COAST GUARD RESERVE.—(1) Section 704 of title 10, United States Code, is amended by striking “or inactive-duty training” in the second sentence and inserting “, inactive-duty training, or funeral honors duty”.

(2) Section 704(a) of such title is amended by inserting “on funeral honors duty,” after “on inactive-duty training.”

(f) VETERANS BENEFITS.—Section 101(24) of title 38, United States Code, is amended—

(1) by adding at the end the following new subparagraph:

“(f) Funeral honors duty under section 12503 of title 10 or section 115 of title 32.”.

Subtitle F—Uniformed Services Voters

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that each uniformed services voter receives the utmost consideration and cooperation when voting;

(b) UNIFORMED SERVICES VOTER DEFINED.—

In this section, the term “uniformed services voter” means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by striking “Each State” and inserting “(A) in General.—Each State”; and

(2) by adding at the end the following:

“(B) each valid ballot cast by such a voter is counted; and

(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

“(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

“(A) on the grounds that the ballot lacked a notarized witness signature, an address, or any other indication that the voter cast a Federal, State, or local election should—

“(A) serve in the active military, naval, or air service (as defined in section 101(d) of title 38); or

“(B) was a member or former member of the Selected Reserve described in section 2301(f) of title 38; or

“(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

“(2) NO EFFECT ON POSTAL DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted, with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY EMPLOYEES SERVING AS MILITARY MEMBERS OF FUNERAL HONORS DETAILS.

Section 622(a)(3) of title 5, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking “active-duty, inactive-duty training” and all that follows through “National Guard” and inserting “military duty or training described in paragraph (4)”;

and

(2) by adding at the end the following new paragraph:

“(4) The entitlement under paragraph (1) applies to the performance of duty or training as a Reserve or National Guard component member of the National Guard, as follows:

“(A) Active duty.

“(B) Inactive duty training (as defined in section 101(d) of title 32).”.

SEC. 702. (a) For purposes of voting for any Federal office (as defined in section 301
of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of such absence, be disqualified from voting in any election occurring during the year in which he was absent from the State. 

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State; and 

"(2) be deemed to have acquired a residence or domicile in any other State; or 

"(3) be deemed to have become a resident in or a citizen of another State."

(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.

SEC. 574. EXTENSION OF REGISTRATION AND BALLOT SENDING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 572(a)(1), is amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and 

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election."

(b) CONFORMING AmENDMENT.—The heading for title I of such Act is amended by striking "FEDERAL BALLOTS" and inserting "FOR FEDERAL BALLOTS".

SEC. 575. USE OF SINGLE APPLICATION AS A MULTIPLE ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as redesignated by section 572(a)(1), is amended—

"(1) by striking "and" at the end of paragraph (2); 

"(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and 

"(3) by inserting after paragraph (3) the following new paragraph:

"(4) process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and"

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 572(a)(1), is amended by inserting after paragraph (4) the following new paragraph:

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) Establishment of Demonstration Project.—

"(1) In general.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3)) shall be permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system."

(2) AUTHORIZATION OF IMPLEMENTATION.—

"If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of the demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project."

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

"(A) conduct an annual review of the effectiveness of the Program or any similar program; 

"(B) conduct an annual review of the compliance with the Program or any similar program of the branches; and 

"(C) submit an annual report to the Inspector General of the Department of Defense on the results of reviews under subparagraphs (A) and (B)."

"(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

"(A) the effectiveness of the Program or any similar program; and 

"(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces."

SEC. 579. MAXIMUM PERIOD OF ACCEPTANCE OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

"(1) has registered to vote under such subsection; and 

"(2) is eligible to vote in that election under State law."

SEC. 580. GOVERNORS’ REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) Reports.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

"(1) The term ‘legislative recommendation’ means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including—

"(A) longer or such a voter; and 

"(B) otherwise qualified to vote."

SEC. 581. PERSONS AUTHORIZED TO BE INCLUDED IN SURVEYS OF MILITARY FAMILIES REGARDING FEDERAL PROGRAMS.

(a) ADDITION OF CERTAIN FAMILY MEMBERS AND SURVIVORS.—Subsection (a) of section 170(b) of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of persons to determine the usefulness of Federal programs relating to military families and the need for new programs, as follows:

"(1) Members of the armed forces on active duty or in an active status.

"(2) Retired members of the armed forces.

"(3) Members of the families of such members and retired members of the armed forces including members of the families of deceased members and deceased retired members.

(b) REPORTING REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to subsection (a), a member referred to in that subsection who is not an
employee of the United States or is not considered an employee of the United States for the purposes of section 30203(A)(1) of title 44, the person shall be considered as being an employee of the United States for the purposes of that section.”.

SEC. 582. CORRECTION AND EXTENSION OF CERTAIN ARMY RECRUITING PILOT PROGRAMS.

(a) CONTRACT RECRUITING INITIATIVES.—Subsection (d)(2) of section 561 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 1998, as amended, is amended by striking “Army Reserve” after “Regular Army”; and

(b) EXTENSION OF AUTHORITY.—Subsection (e) of such section is amended by striking “December 31, 2005” and inserting “September 30, 2007.”

(c) EXTENSION OF TIME FOR REPORTS.—Subsection (g) of such section is amended by striking “February 1, 2006” and inserting “February 1, 2007.”

SEC. 583. OFFENSE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) LOWER STANDARD OF ALCOHOL CONCENTRATION.—Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by striking “0.10 grams” both places it appears in paragraph (2) and inserting “0.08 grams”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts described in paragraph (2) of section 911 of title 10, United States Code, that are committed on or after that date.

SEC. 584. AUTHORITY OF CIVILIAN EMPLOYEES TO ACT AS NOTARIES.

(a) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ELIGIBLE TO ACT AS NOTARIES.—Subsection (b) of section 1044a of title 10, United States Code, is amended by striking “legal assistance officers” in paragraph (2) and inserting “legal assistance attorneys”.

(b) OTHER CIVILIAN EMPLOYEES DESIGNATED TO ACT AS NOTARIES ABROAD.—Such subsection is further amended by adding at the end the following paragraph:

“5 For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard when it is not operating as a service in the Navy designated by regulations of the Secretary of the Army or by statute to have those powers for exercise outside the United States.”

SEC. 585. REVIEW OF ACTIONS OF SELECTION BOARDS.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding at the end the following:

“§ 1558. Exclusive remedies in cases involving selection boards

(a) CONNECTION OF MILITARY RECORDS.—The Secretary concerned may correct a person’s record in a military department or the Coast Guard when it is not operating as a service in the Navy by a special board under this section or the Secretary concerned has denied such consideration.

(b) A court of the United States may review a determination of the Secretary concerned not to convene a special board in the case of any person. In any such case, a court may set aside the Secretary’s determination if the court finds that such determination was arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law. If a court sets aside a determination not to convene a special board, it shall remand the case to the Secretary concerned, who shall provide for consideration of the person by a special board.

(c) A court of the United States may review a recommendation of a special board or an action of the Secretary concerned on the report of a special board convened for consideration of a person. In any such case, a court may set aside the recommendation or action, as the case may be, only if the court finds that the recommendation or action was contrary to law or involved a material error of fact or a material administrative error.

(d) If a court sets aside the recommendation of a special board or an action of the Secretary concerned on the report of a special board, it shall remand the case to the Secretary concerned for a new action on the report of the special board.

(2) A court of the United States may review an action of the Secretary concerned on the report of a special board convened for consideration of a person, if the Secretary concerned has not taken final action on the report of the special board.

(3) A court of the United States may review an action of the Secretary concerned on the report of a special board, if the Secretary concerned has not convened a special board. If the Secretary concerned has not convened a special board, it shall remand the case to the Secretary concerned for a new action on the report of the special board.

(4) Nothing in this section limits authority to correct a military record under section 1552 of this title.

(2) INAPPLICABILITY TO COAST GUARD.—The remedies provided under this section are not available to a person serving in the Coast Guard when it is not operating as a service in the Navy.
(i) Definitions.—In this section:

(A) The term ‘special board’—

means a board that the Secretary concerned convenes under any authority to consider whether a person described in section 573(a), 611(a), or 14101(a) of this title;

(B) includes a board for the correction of military or naval records convened under section 1552 of this title, if designated as a special board by the Secretary concerned; and

(C) does not include a promotion special selection board convened under section 628 or 14502 of this title.

(ii) The term ‘selection board’—

(A) means a selection board convened under section 573(c), 580, 580a, 561, 611(b), 637, 638, 652a, 1111(b), 1707, 1470, or 1470 of this title, and any other board convened by the Secretary concerned under any authority to recommend persons for appointment, enlistment, reinstatement, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status in a reserve component for the purpose of reducing the number of persons serving in the armed forces; and

(B) does not include—

(i) a promotion board convened under section 573(a), 611(a), or 14502 of this title;

(ii) a special board;

(iii) a special selection board convened under section 628 of this title; or

(iv) the correction of military records convened under section 1552 of this title.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following:

‘‘1558. Exclusive remedies in cases involving selection boards.’’

(b) Special Selection Boards.—Section 628 of this title is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following:

‘‘(g) Judicial Review.—(1) A court of the United States may review a determination on the constitutionality of the invalidity.

(ii) a special selection board convened under section 1552 of this title; or

(iii) a promotion board convened under section 628 of this title.

(2) The amendments made by this section shall apply with respect to any proceeding pending on or after that date without regard to whether a challenge to an action of a selection board of any of the Armed Forces for which the court has jurisdiction in such proceeding was initiated before, on, or after that date.

(2) The amendments made by this section shall not apply with respect to any action commenced in a court of the United States before the date of the enactment of this Act.

(c) Effective Date and applicability.—

(1) The amendments made by this section shall take effect on the date of the enactment of this Act and, except as provided in paragraph (2), shall not apply to any proceeding pending on or after that date without regard to whether a challenge to an action of a selection board of any of the Armed Forces in such proceeding was initiated before, on, or after that date.

(2) The amendments made by this section shall not apply with respect to any action commenced in a court of the United States before the date of the enactment of this Act.

SEC. 586. ACCEPTANCE OF VOLUNTARY LEGAL ASSISTANCE FOR THE CIVIL AIR FAIRS OF MEMBERS AND FORMER MEMBERS OF THE ARMED SERVICES AND THEIR DEPENDENTS.

(a) Authority.—Subsection (a) of section 1588 of title 10, United States Code, is amended—

(1) by striking at the end the following new paragraph:

‘‘(g) Legal services voluntarily provided as legal assistance under section 1044 of this title.’’;

(2) by inserting after subsection (f) the following new paragraph:

‘‘(h) Defense of legal malpractice.—Subsection (d)(1) of this section is amended by adding at the end the following new subparagraph:

‘‘(E) Section 1054 of this title (relating to defense of legal malpractice), for a person voluntarily providing legal services accepted under subsection (f) of this section, for providing the services as an attorney of a legal staff within the Department of Defense.’’;

(3) by redesignating subsections (c) and (d) as (d) and (e), respectively;

and

(4) by striking subsection (i) and redesignating subsection (j) as subsection (i).

SEC. 588. 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 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 findings of the review. The report shall include the following with respect to personnel 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 total number of cases of 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.

(c) Disclosures. A discussion of the issues regarding health and disability benefits for such personnel that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(d) The amount 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 recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

### 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

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-10 .....</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>O-9</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-8</td>
<td>8,135.10</td>
<td>8,210.70</td>
<td>8,519.70</td>
<td>8,608.50</td>
<td>8,974.30</td>
</tr>
<tr>
<td>O-7</td>
<td>6,809.00</td>
<td>6,951.80</td>
<td>7,261.40</td>
<td>7,472.70</td>
<td>8,135.10</td>
</tr>
<tr>
<td>O-6</td>
<td>5,418.90</td>
<td>5,448.60</td>
<td>5,448.60</td>
<td>5,628.60</td>
<td>6,305.70</td>
</tr>
<tr>
<td>O-5</td>
<td>4,070.10</td>
<td>4,232.40</td>
<td>4,441.20</td>
<td>4,549.50</td>
<td>4,549.50</td>
</tr>
<tr>
<td>O-4</td>
<td>3,344.10</td>
<td>3,344.10</td>
<td>3,344.10</td>
<td>3,344.10</td>
<td>3,344.10</td>
</tr>
<tr>
<td>O-3</td>
<td>2,638.50</td>
<td>2,638.50</td>
<td>2,638.50</td>
<td>2,638.50</td>
<td>2,638.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Over 8</th>
<th>Over 10</th>
<th>Over 12</th>
<th>Over 14</th>
<th>Over 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-10</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>O-9</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-8</td>
<td>8,135.10</td>
<td>8,210.70</td>
<td>8,519.70</td>
<td>8,608.50</td>
</tr>
<tr>
<td>O-7</td>
<td>6,809.00</td>
<td>6,951.80</td>
<td>7,261.40</td>
<td>7,472.70</td>
</tr>
<tr>
<td>O-6</td>
<td>5,418.90</td>
<td>5,448.60</td>
<td>5,448.60</td>
<td>5,628.60</td>
</tr>
<tr>
<td>O-5</td>
<td>4,070.10</td>
<td>4,232.40</td>
<td>4,441.20</td>
<td>4,549.50</td>
</tr>
<tr>
<td>O-4</td>
<td>3,344.10</td>
<td>3,344.10</td>
<td>3,344.10</td>
<td>3,344.10</td>
</tr>
<tr>
<td>O-3</td>
<td>2,638.50</td>
<td>2,638.50</td>
<td>2,638.50</td>
<td>2,638.50</td>
</tr>
</tbody>
</table>

1. Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-1 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 $30,000.

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.

#### WARRANT OFFICERS

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-10 .....</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>W-9</td>
<td>2,048.90</td>
<td>2,127.60</td>
<td>2,330.10</td>
<td>2,402.70</td>
<td>2,511.90</td>
</tr>
<tr>
<td>W-8</td>
<td>3,586.50</td>
<td>3,737.70</td>
<td>3,885.30</td>
<td>4,038.00</td>
<td>4,184.40</td>
</tr>
</tbody>
</table>
## SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

(a) SERVICE CREDIT.—Section 203(d) of title 37, United States Code, is amended—

(1) by inserting “(1) after “(d)”;

(2) by striking “active service as a warrant officer or as a warrant officer and enlisted member” and inserting “service described in paragraph (2)”; and

(3) by adding at the end the following new paragraph:

"(2) Service to be taken into account for purposes of computing basic pay under paragraph (1) is as follows:

(A) Active service as a warrant officer or as a warrant officer and an enlisted member, in the case of—

(i) a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or

(ii) a commissioned officer on active Guard and Reserve duty.

(B) In the case of a commissioned officer (not referred to in subparagraph (A)(ii)) who is paid from funds appropriated for reserve personnel, service as a warrant officer, or as a warrant officer and enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12762(a)(2) of title 10.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

## SEC. 603. RESERVE COMPONENT COMPENSATION FOR DISTRIBUTED LEARNING ACTIVITIES PERFORMED AS INACTIVE-DUTY TRAINING.

(a) COMPENSATION AUTHORIZED.—Section 206(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) Compensation is payable under this section to a member in a grade below E-7 for a period of instruction or duty in pursuit of the satisfaction of educational requirements imposed on members of the uniformed services by law or regulations if—

(A) the particular activity in pursuit of the satisfaction of such requirements is an activity approved for that period of instruction or duty by the commander who prescribes the instruction or duty for the member for that period; and

(B) the member attains the learning objectives for the period of instruction or duty, as determined under regulations prescribed by the Secretary concerned.

(b) DEFINITION OF INACTIVE-DUTY TRAINING.—Section 101(22) of title 37, United States Code, is amended by striking “but does not include work or study in connection with a correspondence course of a uniformed service”.

## SEC. 604. CLARIFICATIONS FOR TRANSITION TO REFORMED BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BASELINE AMOUNT FOR CALCULATING ALLOWANCE FOR ENLISTED MEMBERS.—For the purposes of section 428(b)(2) of title 37, United States Code, the monthly rate of basic allowance for subsistence that is in effect for an enlisted member for the year ending December 31, 2001, is $223.

(b) RATE FOR ENLISTED MEMBERS WHEN MESSING FACILITIES NOT AVAILABLE.—(1)
SEC. 605. INCREASE IN BASIC ALLOWANCE FOR HOUSING IN THE UNITED STATES.

(a) ACCELERATION OF INCREASE.—Subsection (b)(3) of section 403(b) of title 37, United States Code, is amended by adding at the end the following: “(b) The Secretary of Defense, for a member of the armed forces residing in the United States, may not be less than the median cost of adequate housing determined for the area under paragraph (2).”.

(b) FISCAL YEAR 2002 RATES.—(1) Subject to subsection (b)(3) of section 403(b) of title 37, United States Code, in the administration of such section 403 for fiscal year 2002, the amount of the basic allowance for housing for an area of the United States for a member of the armed forces residing in an area of the United States may not be less than the median cost of adequate housing for members in that area and dependent status in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

(2) In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount to be paid during fiscal year 2002 for the basic allowance for housing for military housing areas inside the United States, $232,000,000 of the amount authorized to be appropriated by section 421 for military personnel may be used for the basic allowance for housing for military housing areas inside the United States.

SEC. 606. CLARIFICATION OF ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE.

Section 402a(b)(1) of title 37, United States Code, is amended by inserting “with dependents” after “a member of the armed forces.”

SEC. 607. CORRECTION OF LIMITATION ON ADDITIONAL UNIFORM ALLOWANCE FOR TROOPS.

Section 416(b)(1) of title 37, United States Code, is amended by striking “$200” and inserting “$400.”

SEC. 608. PAYMENT FOR UNUSED LEAVE IN EXCESS OF 60 DAYS ACCRUED BY MEMBERS OF RESERVE COMPONENTS ON ACTIVE DUTY FOR ONE YEAR OR LESS.

(a) ELIGIBILITY.—Section 501(b)(5) of title 37, United States Code, is amended by—

(1) striking “or” at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C); and

(3) adding at the end the following new subparagraph:

“(D) by a member of a reserve component while serving full-time National Guard duty, or active duty for training, for a period of more than 30 days not in excess of 365 days.”;

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to periods of active duty that begin on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTY AREAS.—Section 320m of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308h 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) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308h of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(f) SELECTED RESERVE AFFILIATION BONUS.—Section 308c(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(g) PRIORITY SERVICE ENLISTMENT BONUS.—Section 308h 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 “December 31, 2001” and inserting “December 31, 2002.”

(i) SPECIAL PAY FOR ENLISTMENT FOR TWO OR MORE YEARS.—Section 309e of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(j) REENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.—Section 323(h) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(k) NUCLEAR CAREER ANNUAL INCENTIVE PAY.—Section 322 of title 10, United States Code, is amended by—

(1) striking “December 31, 2001” and inserting “December 31, 2002.”

SEC. 616. SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY.—Section 310c of title 37, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) The Secretary of the Navy shall prescribe a rate of basic allowance for housing for a member of a reserve component on active duty serving in support of maritime interdiction operations.”.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 617. CAREER SEA PAY.

(a) IN GENERAL.—Section 360a(d) of title 37, United States Code, is amended by inserting “while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days not in excess of 365 days.”.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply...
with respect to pay periods beginning on or after that date.

SEC. 418. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL READY RESERVE BONUS REENLISTMENT, ENLISTMENT, OR EXTENSION OF ENLISTMENT.

(a) ELIGIBILITY BASED ON QUALIFICATIONS IN CRITICALLY SHORT WARTIME SKILLS OR SPECIALTIES.—Section 308h(a) of title 37, United States Code, is amended to read as follows:

"(a) Concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component for an assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

"(2) A person is eligible for a bonus under this section if—

"(A) is or has been a member of an armed force;

"(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty, respectively; and

"(C) has not failed to complete satisfactorily the final term of enlistment in the armed forces.

"(b) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty, respectively, for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

"(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty;"

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations necessary for administering section 308h of title 37, United States Code, as amended by this section, not later than the effective date determined under subsection (c)(1).

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

"(1) shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act; and

"(2) shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of that month.

SEC. 619. ACCESSION BONUS FOR OFFICERS IN CRITICAL SKILLS.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 321 the following new section:

"324. Special pay: critical officer skills accession bonus.

"(a) ACCESSION BONUS AUTHORIZED.—A person who executes a written agreement to accept a commission as an officer of an armed force and serve on active duty in a designated critical officer skill for the period specified in the agreement may be paid a accession bonus for such period on the basis of the agreement.

"(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—(1) The Secretary of Defense, or the Secretary of the Military Departments, or the Secretary of the Coast Guard when it is not operating as a service in the Navy, shall designate the critical officer skills for the purposes of this section. The designation of the Secretary of Defense of any one or more of the armed forces.

"(2) A skill may be designated as a critical officer skill for an armed force for the purposes of this section if—

"(A) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

"(B) in order to mitigate a current or projected shortfall of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

"(c) AMOUNT OF BONUS.—The amount of a bonus paid with respect to a critical officer skill shall be determined under regulations prescribed by the Secretary of Defense and the Secretary of Transportation, but may not exceed $20,000.

"(d) LIMITATION ON ELIGIBILITY FOR BONUS.—An individual may not be paid a bonus under subsection (a) if the individual has received, or is receiving, an accession bonus for the same period of service under section 302d, 302h, or 312b of this title.

"(e) PAYMENT METHOD.—Upon acceptance of a written agreement referred to in subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement under this section becomes fixed and may be paid to the person in either a lump sum or installments.

"(f) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) A person who, after having received all or part of the bonus under this section pursuant to an agreement referred to in subsection (a), fails to accept an appointment as a commissioned officer or to commence or complete the total period of active duty service as a designated critical officer skill as provided in the agreement shall refund to the United States the amount that bears the same ratio to the total amount of the bonus authorized for such person as the unserved part of the period of the agreed active duty service in a designated critical officer skill bears to the total period of the agreed active duty service, but not more than the amount that was paid to the person.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(g) A discharge in bankruptcy under title 11 that is entered less than five years after the date on which an employee was discharged while on duty in that area, other employees were subject to hostile fire or explosion of hostile mines.

"(3) was killed, injured, or wounded by hostile fire, explosion of hostile mine, or any other hostile action; or

"(d) AN EMPLOYEE COVERED BY SUBSECTION (a)(3) WHO IS HOSPITALIZED FOR THE TREATMENT OF HIS INJURY OR WOUND MAY BE PAID SPECIAL PAY UNDER THIS SECTION IN ADDITION TO OTHER PAY.

SEC. 5949. HOSTILE FIRE OR IMPENDING DANGER PAY.

(a) AVIATION OFFICERS.—Section 301(b)(4) of title 37, United States Code, is amended by striking "not later than the date specified in an agreement awarded to an aviator" and inserting "within one year of the completion of the program".

(b) SURFACE WARFARE OFFICERS.—Section 311(b) of title 37, United States Code, is amended by striking "has completed" and inserting "within one year of the completion of the program".

SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 59, Subchapter IV of title 5, United States Code, is amended by striking the end of the section and inserting the following:

"5949. Hostile fire or imminent danger pay.

"(a) The head of an Executive agency may pay an employee special pay at the rate of $3,000 for any month that an employee, while on duty in the United States—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period of duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

"(3) was killed, injured, or wounded by hostile fire, explosion of hostile mine, or any other hostile action; or

"(d) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

"(e) For the purpose of this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

"(f) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.

"(g) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end thereof the following new item:

"5949. Hostile fire or imminent danger pay.

"(h) EFFECTIVE DATE.—This provision is effective as if enacted into law on September..."
11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

**Subtitle C—Travel and Transportation**

SEC. 631. ELIGIBILITY FOR TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS BETWEEN PERMANENT DUTY STATIONS.

(a) PERSONNEL IN GRADES BELOW E-4.—Section 403(i) of title 37, United States Code, is amended by striking “who is in a pay grade E-4 (four years of service) or above”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 632. ELIGIBILITY FOR PAYMENT OF SUSTIQUE EXPENSES ASSOCIATED WITH OCCUPANCY OF TEMPORARY LODGING INCIDENT TO REPORTING TO FIRST PERMANENT DUTY STATION.

(a) OFFICER PERSONNEL.—Section 404a(a)(2)(C) of title 37, United States Code, is amended by striking “an enlisted member” and inserting “a member”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 633. ELIGIBILITY FOR DISLOCATION ALLOWANCES.

(a) MEMBERS WITH DEPENDENTS WHEN ORDERED TO FIRST DUTY STATION.—Section 407 of title 37, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(F) A member whose dependents actually move from the member’s place of residence in connection with the performance of orders for the member to report to the member’s first permanent duty station if the move—

(i) is to the permanent duty station or a designated location; and

(ii) is an authorized move.”; and

(2) in subsection (b), by inserting “as provided in subsection (a)(2)(F)” after “first duty station”.

(b) MARRIED MEMBERS WITHOUT DEPENDENTS ASSIGNED TO GOVERNMENT FAMILY QUARTERS.—Subsection (a) of such section, as amended by subsection (a), is further amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

“(G) Each of two members married to each other who—

(i) is without dependents;

(ii) is assigned to family quarters of the United States at or in the vicinity of the new duty station; and

(iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station;

and

(2) by adding at the end of the subsection the following new paragraph:

“(4) If a primary dislocation allowance is payable to two members described in subparagraph (G) of paragraph (2) who are married to each other, the amount of the allowance payable to such members shall be the amount otherwise payable under this subsection to the member in the higher pay grade, or to either member if both members are in the same pay grade. The allowance shall be paid jointly to both members.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 634. ALLOWANCE FOR DISLOCATION FOR THE GOVERNMENT AT HOME STATION.

(a) AUTHORITY.—Chapter 7 of title 37, United States Code is amended by inserting after section 407 the following new section:

“§ 407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station.

“(a) AUTHORITY.—Under regulations prescribed by the Secretary concerned, a member of the uniformed services may be paid a dislocation allowance under this section when ordered, for the convenience of the Government and not pursuant to a permanent change of station, to occupy or to vacate family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard.

“(b) AMOUNT.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this subsection is $500.

“(2) Effective on the same date that the monthly rates of basic pay for members of the uniformed services are increased under section 1009 of title 37, or on a later date increasing those rates by a percentage specified in the law, the amount of the dislocation allowance provided under this section shall be increased by an amount which is equal to the percentage by which the monthly rates of basic pay are increased.

“(c) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.

“(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND THE BURIAL OF A DECEASED MEMBER OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION OF AUTHORITIES.—Section 411f of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “ALLOWANCES AUTHORIZED.—” after “(1)”; and

(B) by striking “the members of a family” inserting “eligible members of the family of a member of the uniformed services”;

(C) by striking “such dependents” and inserting “such persons”; and

(D) by inserting at the end the following new paragraph:

“(2) An attendant accompanying a person provided travel and transportation allowances under this section for travel to the burial ceremony for a deceased member may also be provided travel and transportation allowances under this section for travel and transportation allowances for travel to the burial ceremony if—

(A) the accompanied person is unable to travel unattended because of age, physical condition, or other justifiable reason, as determined under the uniform regulations; and

(B) there is no other eligible member of the family of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under this section and is qualified to serve as the attendant.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) Except as provided in paragraph (2)” and inserting “LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3)”;

(ii) by striking before the period at the end the following: “and the time necessary for such travel”;

(B) in paragraph (2), by striking “be extended to accommodate” and inserting “not exceed the rates for 2 days and”; and

(C) by adding at the end the following new paragraph:

“(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under this section may be provided to and from such cemetery and may not exceed the rates for 2 days and the time necessary for such travel.”;

and

(3) by striking subsection (c) and inserting the following:

“(c) ELIGIBLE MEMBERS OF FAMILY.—The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under this section:

“(1) The surviving spouse (including a remarried surviving spouse) of the deceased member;

“(2) The surviving child or children of the deceased member referred to in section 412(c)(2) of this title;

“(3) A person described in paragraphs (1) and (2) is provided travel and transportation allowances under this section, the parent or grandparents of the deceased member (as defined in section 401(b)(2) of this title);

“(4) If no person described in paragraphs (1), (2), and (3) is provided travel and transportation allowances under this section, then—

“(A) the person who directs the disposition of the remains of the deceased member under section 1482(c)(2) of title 10, or a surviving child of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated by that person to direct the disposition of the remains if individual identification had been made; and

“(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘burial ceremony’ includes the following:

“(A) An interment of casketed or cremated remains;

“(B) A placement of cremated remains in a columbarium;

“(C) A memorial service for which reimbursement is authorized under section 1482(c)(2) of title 10;

“(D) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

“(2) The term ‘member of the family’ includes a person described in section 1482(c)(4) of title 10, except for this paragraph, would otherwise be considered a family member.”;

(b) REPEAL OF SUPERSeded LAws.—(1) Section 1482 of title 10, United States Code, is repealed by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.


(c) APPLICABILITY.—The amendments made by this section shall be applied with respect to deaths that occur on or after the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

SEC. 636. FAMILY SEPARATION ALLOWANCE FOR MEMBERS ELECTING UNACCOMPANIED TOUR BY REASON OF HEALTH LIMITATIONS OF DEPENDENTS.

(a) ELIGIBILITY.—Section 427(c) of title 37, United States Code, is amended—

(1) in the first sentence, by striking “A member who elects” and inserting “(1) Except as provided in paragraph (2), a member who elects”;

(2) in the second sentence, by striking “The Secretary concerned may waive the preceding sentence” and inserting the following:

“(3) The Secretary concerned may waive paragraph (1); and
(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

Subtitle D.—Matters Relating to Retirement and Survivor Benefits

SEC. 651. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(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:

(3) By striking "attending" and inserting "enrolled in"; and
(4) By inserting before the comma at the end of the following clause: "in the continental United States.

(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 United States Code, is amended by adding the following new paragraph:

(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 United States Code, at the time of the member's retirement, 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.

(d) Definitions.—In this section:

(1) The term 'retired pay' includes:
(2) In paragraph (4), by adding at the end the following new paragraph:

SEC. 652. EBILITY ELIGIBILITY OF SURVIVORS OF RETIRED MILITARY PERSONNEL.

(a) Surviving Spouse Annuity.—Chapter 71 of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

(b) Exception and Increase of Objectives for Receipts From Disposals of Certain Stockpile Materials Authorized for Several Fiscal Years Beginning With Fiscal Year 1999.—Section 1201 of this title is amended by adding at the end the following new paragraph:

SEC. 661. EDUCATION SAVINGS PLAN FOR RETIRED MILITARY PERSONNEL AND SURVIVORS OF MILITARY PERSONNEL.

(a) Establishment of Savings Plan.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after paragraph (1) the following:

(b) Effective Date and Applicability.—This section and the amendments made by this section shall take effect as of Several Fiscal Years Beginning With Fiscal Year 1999. Amendment and Increase of Objectives for Receipts From Disposals of Certain Stockpile Materials Authorized for Several Fiscal Years Beginning With Fiscal Year 1999. Section 1201 of this title is amended by adding at the end the following new paragraph:

Subtitle E.—Other Matters

SEC. 661. EDUCATION SAVINGS PLAN FOR RETIREES AND SERVICE IN CRITICAL SPECIALTIES.

(a) Establishment of Savings Plan.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after paragraph (1) the following:

(b) Effective Date and Applicability.—This section and the amendments made by this section shall take effect as of Several Fiscal Years Beginning With Fiscal Year 1999.
amended by adding at the end the following new section:

§324. Incentive bonus: savings plan for education expenses and other contingencies

(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned shall purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet wartime or peacetime requirements for a period that—

(1) is not less than six years; and

(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement under this section.

(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

(1) in the case of an enlisted member, a reenlistment; and

(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

(1) the purchase price of the United States savings bonds; and

(2) the amounts that would be deducted and withheld for the payment of individual income taxes on the total amount paid under this subsection for that commitment were paid to the member as a bonus.

(f) AMOUNT WITHHELD FOR TAXES.—The total amount of bonus paid or due to the member under subsection (e) shall be withheld for the basic tax rate as provided by law.

(g) REREPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service required.

(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

(h) RELATIONSHIP TO OTHER SPECIAL BENEFITS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary concerned for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the armed forces.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"§324. Incentive bonus: savings plan for education and other contingencies."

(j) EFFECTIVE DATE.—Section 324 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in this section) that are entered into on or after that date.

(k) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $20,000,000 may be available in that fiscal year for the purchase of United States savings bonds under title 37, United States Code (as added by subsection (a)).

SEC. 662. COMMISSARY BENEFITS FOR NEW MEMBERS OF THE READY RESERVE.

(a) ELIGIBILITY.—Section 1063 of title 10, United States Code, is amended—

(1) by redesigning subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) ELIGIBILITY OF NEW MEMBERS.—(1) The Secretary concerned shall authorize a new member to use commissary stores for purposes of this section if the new member meets any of the following:

(A) The date on which the member becomes eligible to use commissary stores under this section is within one year after the date on which the member participates satisfactorily in training for purposes of subsection (b) of section 1063 of title 10.

(B) The member has completed the required documentation of satisfying service for which obligated.

(2) The following new paragraph:

"1063. Use of commissary stores: members of the Ready Reserve.

(2) Subsection (a) of such section is amended by striking "or section 1062(a) of title 10" and inserting "or section 1062(c) of title 10".

(3) The item relating to such section in the table of sections at the beginning of chapter 10 of title 10, United States Code, is amended to read as follows:

"1062. Use of commissary stores: members of the Ready Reserve."

SEC. 663. AUTHORIZATION OF TRANSITIONAL COMPENSATION AND COMMISSARY AND EXCHANGE BENEFITS FOR DEPENDENTS OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WHO ARE SEPARATED FOR DEPENDENT ABUSE.

(a) COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse."

(b) COMMISSIONED OFFICERS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'Ready Reserve'" approved August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse."
members of the Armed Services to the same extent that these services were provided during the Persian Gulf War.

**TITLE VII—HEALTH CARE**

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.—

(a) In General.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program with the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this title.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) The term ‘domiciliary care’ means treatment or services involving assistance with the performance of activities of daily living, as provided under subparagraph (c)(3) to a dependent of a member of the uniformed services who is living in a home-like setting because—

(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient’s home; or

(B) no member of the patient’s family is willing to provide the treatment or services.

(9) The term ‘custodial care’—

(A) means treatment or services that—

(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

(B) includes any treatment or service described in subparagraph (A) without regard to—

(i) the source of any recommendation to provide the treatment or service; and

(ii) the setting in which the treatment or service is provided.

SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

“1074j. Long term care benefits program.

‘‘(a) Long term care benefits program.—

“(1) In General.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that is consistent with the benefits provided on a less than a long term basis under the TRICARE program.

“(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

(1) The types of health care authorized to be provided by contract under section 1079 of this title.

(2) Extended care services.

(3) Post-hospital extended care services.

(4) Comprehensive intermittent home health services.

(5) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided under this paragraph shall be available to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate, the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

(b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

(1) Definitions.—In this section:

(A) The term ‘extended care services’ has the meaning given the term in subsection (d) of section 1811 of the Social Security Act (42 U.S.C. 1395x).

(B) The term ‘post-hospital extended services’ has the meaning given the term in subsection (i) of section 1811 of the Social Security Act (42 U.S.C. 1395x).

(2) The home health services has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

(3) The term ‘skilled nursing facility’ has the meaning given the term in section 1819(a)(1) of the Social Security Act (42 U.S.C. 1395i-3(a)).

(4) The term ‘spell of illness’ has the meaning given the term in subsection (a) of section 1811 of the Social Security Act (42 U.S.C. 1395x).

(5) The term ‘home care’ means the provision of in-home nursing care, personal care, home health supplies and services, to the extent not otherwise provided under paragraph (9).

(6) The term ‘respite care’ means the provision of short-term in-home care in order to provide relief to the family of the patient.

(c) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include extended benefits for dependents referred to in the Persian Gulf War.

(d) CONGRESSIONAL REFORMS.

(1) General.—The extended benefits under paragraph (1) may include comprehensive health care, including necessary to maintain function, or to minimize or prevent deterioration of function, of the patient, and case management services, to the extent not otherwise provided under this paragraph with respect to a qualifying condition, as follows:

(A) Diagnosis.

(B) Inpatient, outpatient, and comprehensive home health supplies and services.

(C) Training and rehabilitation, including special education and assistive technology devices.

(2) Institutional care in private non-profit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

(3) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

“d) Health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following conditions:

(A) Moderate or severe mental retardation.

(B) A serious physical disability.

(C) Any extraordinary physical or psychological condition.

(2) The extended benefits under paragraph (1) may include comprehensive health care, including necessary to maintain function, or to minimize or prevent deterioration of function, of the patient, and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

(A) Diagnosis.

(B) Inpatient, outpatient, and comprehensive home health supplies and services.

(C) Training and rehabilitation, including special education and assistive technology devices.

(D) Institutional care in private non-profit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:


(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).


SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:
“(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.”;

“(2) in subsection (b)(2), by striking “Hearing aid” and inserting “Orthopaedic footwear’; and

“(3) by adding at the end the following new subsection:

“(4) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

“(A) An accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

“(B) Services necessary to train the recipient of the device in the use of the device.

“(C) Repair of the device for normal wear and tear or damage.

“(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

“(3) The positive communication device may be provided as a voice prosthesis under subsection (a)(15).

“(4) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretaries in consultation with the administering Secretaries.”;

“SEC. 706. DURABLE MEDICAL EQUIPMENT.

(a) Items Authorized.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

“(1) in subsection (a)(12), by striking “such as wheelchairs, iron lungs, and hospital beds,”; and

“(2) by adding at the end the following new subsection:

“(e) Items that may be provided to a patient under subsection (a)(12) include the following:

“(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient’s function or condition.

“(B) Any durable medical equipment that can maximize the patient’s function consistent with the patient’s physiological or medical needs.

“(C) Wheelchairs.

“(D) Iron lungs.

“(E) Hospital beds.

“(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

“(A) achieving therapeutic benefit for the patient;

“(B) making the equipment serviceable; or

“(C) otherwise assuring the proper functioning of the equipment.

(b) Provision of Items on Rental Basis.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

“(5) Durable equipment provided under this section may be provided on a rental basis.”;

“SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 708(1), is further amended by inserting after paragraph (16) the following new paragraph:

“(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician, physical therapist, or occupational therapist.”;

“SEC. 709. MENTAL HEALTH BENEFITS.

(a) Requirement for Study.—The Secretary of Defense shall carry out a study to determine the adequacy of access to mental health services and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) Report.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

“SEC. 710. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

“Subtitle B—Other Matters

“SEC. 711. REPEAL OF REQUIREMENT FOR PERIODIC EXAMINATIONS AND RELATED CARE FOR MEDICAL EQUIPMENT SCHEDULED FOR EARLY DEPLOYMENT.

Section 1074a of title 10, United States Code, is amended to read as follows:

“(a) Requirement for Study.—The Secretary of Defense shall carry out a study to determine the adequacy of access to mental health services and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) Report.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

“SEC. 712. CLARIFICATION OF ELIGIBILITY FOR REMUNERATION OF TRAVEL EXPENSES OF ADULT ACCOMPANYING PERSON IN TRAVEL FOR SPECIALTY CARE.

Section 1074i of title 10, United States Code, is amended by inserting before the period at the end of subsection (b) the following new paragraph:

“(1) by striking subsection (d); and

“(2) by redesigning subsection (e) as subsection (d).

“SEC. 713. TRICARE PROGRAM LIMITATIONS ON PAYMENT FOR Medicare

(a) Institutional Providers.—Section 1079(j) of title 10, United States Code, is amended—

“(1) in paragraph (2)(A)—

“(A) by striking “(A)” and inserting “(B)”; and

“(B) by striking “may be determined under joint regulations” and inserting “shall be determined under joint regulations”;

“(2) by redesigning subparagraph (B) of paragraph (2) as paragraph (4), and, in such paragraph, as so redesignated, by striking “subparagraph (A),” and inserting “this subsection,” and

“(3) by inserting before paragraph (4), as redesignated under paragraph (2), the following new paragraph:

“(G) A contract for a plan covered by this section shall include a clause that prohibits each provider of services under the plan from billing any person covered by the plan for any balance of charges for services in excess of the amount paid for those services under the joint regulations referred to in paragraph (2), except for any unpaid amounts of deductibles or copayments that are payable directly to the provider by the person.”;

(b) Noninstitutional Providers.—Section 1079(b)(4) of such title is amended—

“(1) by inserting “(A)” after “(4)” and

“(2) by adding at the end the following new subparagraph:

“(B) The regulations shall include a restriction that prohibits an individual health care professional (or other noninstitutional health care provider) from billing a beneficiary for services for more than the amount that is equal to—

“(1) the excess of the limiting charge (as defined in section 1395w(g)(2) of the Social Security Act (42 U.S.C. 1395w–4(g)(2))) that would be applicable if the services had been provided by the professional (or other provider) as an individual health care professional (or other noninstitutional health care provider) on a nonassignment-related basis under part B of title XVIII of such Act, over the amount that is payable by the United States for those services under this subsection, plus

“(II) the unpaid amounts of deductibles or copayments that are payable directly to the professional (or other provider) by the beneficiary.”

“SEC. 714. EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

“SEC. 715. TWO-YEAR EXTENSION OF HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.


(b) Report.—Subsection (e) of that section is amended—

“(1) by striking “REPORTS—” and inserting “REPORT—”;

“(2) by striking “March 15, 2002” and inserting “March 15, 2003”.

“SEC. 716. STUDY OF HEALTH CARE COVERAGE OF MEMBERS OF THE SELECTED RESERVE.

(a) Requirement for Study.—The Comptroller General shall carry out a study of the needs of members of the Selected Reserve of the Ready Reserve of the Armed Forces and their families for health care benefits.

(b) Report.—Not later than March 1, 2002, the Comptroller General shall submit to the Congress a report on the study under subsection (a). The report shall include the following matters:

“(1) An analysis of how members of the Selected Reserve currently obtain coverage for health care benefits while on active duty, together with statistics on enrollments in health care benefits plans, including—

“(A) the percentage of members of the Selected Reserve who are not covered by an employer health benefits plan;

“(B) the percentage of members of the Selected Reserve who are not covered by an individual health benefits plan; and

“(C) the percentage of members of the Selected Reserve who are not covered by any health insurance or other health benefits plan;

“(2) An assessment of the disruptions in health benefits coverage that a mobilization of members of the Selected Reserve has caused for the members and their families.

“(3) An assessment of the cost and effectiveness of various options for preventing or reducing disruptions described in paragraph (2), including—

“(A) providing health care benefits to all members of the Selected Reserve and their families through TRICARE, the Federal Employees Health Benefits Program, or otherwise;

“(B) revising and extending the program of transitional medical and dental care that is provided under section 1079b of title 10, United States Code, for members of the Armed Forces upon release from active duty served in support of a contingency operation; and

“(C) providing health care benefits plans of members of the Selected Reserve, including individual health benefits plans and group
(g) REPORTS.—(1) Not later than January 31, 2004, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit an interim report on the conduct of the pilot program. 

(b) P ERIOD OF PROGRAM.—Any pilot program established under this subsection shall continue for a period of 18 months from the date of notification of the Secretary's intent to grant a waiver under this subsection; and

(c) A GREEEMENT.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a final report on the conduct of the pilot program. 

(2) Each report under this subsection shall include the Secretaries' assessment, as of the date of such report, of the efficacy of the performance of separation physical examinations as provided for under the pilot program.

(h) DEFINITIONS.—In this section:

(1) The term ‘administering Secretaries’ has the meaning given the term in section 1072(3) of title 10, United States Code. 

(2) The term ‘Secretary concerned’ has the meaning given the term in section 101(5) of title 37, United States Code.

SEC. 718. MODIFICATION OF PROVISION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of 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 by striking ‘‘covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard’’ and inserting ‘‘covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code’’.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of section 722 of such title is amended by striking paragraph (2) and inserting the following:

(2) by redesignating paragraph (2) as paragraph (3);

and

(c) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

(1) the Secretary—

(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities; or

(B) 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

(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(2) the Secretary provides notification of the Secretary's intent to grant a waiver 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 grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

(3) 60 days have elapsed since the date of the notification described in paragraph (3).

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking ‘‘on October 1, 2001’’ and inserting ‘‘be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002’’; and

(2) by redesigning the subsection as subsection (c).

(e) 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 section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SEC. 719. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘paragraph (2)’’ and all that follows through ‘‘(of the member),’’ and inserting ‘‘paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)’’;

(b) A member who is separated from active duty is involuntarily separated from active duty.

(c) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation, and

(d) A member who is separated from active duty served pursuant to a voluntary agreement of the Secretary concerned to remain in the regular components of the armed forces that are in existence immediately following deactivation of a military unit, and

(2) by redesignating the subsection as subsection (b).

(e) 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 section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SEC. 801. MANAGEMENT OF PROCUREMENTS OF SERVICES.

(a) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(b) of title 10, United States Code, is amended—

(1) by striking ‘‘and’’ at the end of paragraph (4); 

(2) by redesigning paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

‘‘(5) managing the procurements of services for the Department of Defense; and’’;

Subtitle A—Procurement Management and Administration

SEC. 801. MANAGEMENT OF PROCUREMENTS OF SERVICES.
(b) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1) Chapter 137 of such title is amended by inserting after section 2328 the following new section:

"§ 2330. Procurements of services: management structure.

(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a management structure for the management of procurements of services for the Department of Defense.

(b) DELEGATION OF AUTHORITY.—The management structure shall provide for a designated official in each Defense Agency, military department, and command to exercise the responsibility for the management of the services for the official’s Defense Agency, military department, or command, respectively.

(2) For the exercise of the responsibility under paragraph (1), a designated official shall report, and be accountable, to—

"(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

"(B) such other officials as the Under Secretary may prescribe for the management structure.

(3) Paragraph (2) shall not affect the responsibilities of an official designated under subsection (b) shall be subject to the direction of a Military Department or Defense Agency or, as appropriate, of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) CONTRACTING RESPONSIBILITIES OF DESIGNATED OFFICIALS.—The responsibilities of an official designated under subsection (b) shall include the direction to the procurements of services for the Defense Agency, military department, or command of that official, the following:

"(1) Ensuring that the services are procured by means of contracts or task orders that are in the best interests of the Department of Defense and are entered into or issued and managed in compliance with the applicable statutes, regulations, directives, and other requirements, regardless of whether the services are procured through a contract or a task order issued, by an official of the United States outside the Department of Defense.

"(2) Establishing within the Department of Defense appropriate contract vehicles for use in the procurement of services so as to ensure that the services for the Department of Defense are accountable for the procurement of the services in accordance with the requirements of paragraphs (1).

(d) Analyzing data collected under section 2330a of this title on contracts that are entered into for the procurement of services.

(4) Approving, in advance, any procurement of services that is to be made through—

"(A) a contract or task order that is not a performance-based contract or task order, or

"(B) entered into, or task order issued, by an official of the United States outside the Department of Defense.

(d) DEFINITION.—In this section, the term ‘performance-based contract, performance-based task order, or performance-based arrangement’ means that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(2) Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance for officials in the management structure established pursuant to paragraph (1) regarding how to carry out their responsibilities under that section. The guidance shall include, at a minimum, the following:

(A) Specific dollar thresholds, approval levels, and criteria for advance approvals under subsection (c) of such section 2330.

(B) A prohibition on the procurement of services through the use of a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense that is not a performance-based contract or task order, unless an appropriate official in the management structure established pursuant to paragraph (1) determines in writing that the use of that means for the procurement is justified on the basis of exceptional circumstances as being in the best interests of the Department of Defense.

(c) TRACKING OF PROCUREMENTS OF SERVICES.—Chapter 137 of title 10, United States Code, as amended by subsection (b), is further amended by inserting after section 2330 the following new section:

"§ 2330a. Procurements of services: tracking.

(a) DATA COLLECTION REQUIRED.—The Secretary of Defense shall establish a data collection system to provide management information with regard to each purchase of services by a military department or Defense Agency that is made in accordance with section 2330. The data shall include the following:

"(1) The services purchased.

"(2) The total dollar amount of the purchase.

"(3) The form of contracting action used to make the purchase.

"(4) Whether the purchase was made through—

"(A) a performance-based contract, performance-based task order, or other performance-based arrangement that contains firm fixed prices for the specific tasks to be performed;

"(B) any other performance-based contract, performance-based task order, or performance-based arrangement;

"(C) any contract, task order, or other arrangement that is not performance based.

"(5) In the case of a contract made through an agency other than the Department of Defense:

"(A) the agency through which the purchase is made; and

"(B) the reasons for making the purchase through that agency.

"(6) The extent of competition provided in making the purchase (including the number of offers).

"(7) Whether the purchase was made from—

"(A) a small business concern;

"(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

"(C) a small business concern owned and controlled by women.

"(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) shall include, at a minimum, the following:

"(1) The services purchased.

"(2) The total dollar amount of the purchase.

"(3) The form of contracting action used to make the purchase.

"(4) Whether the purchase was made through—

"(A) a performance-based contract, performance-based task order, or other performance-based arrangement that contains firm fixed prices for the specific tasks to be performed;

"(B) any other performance-based contract, performance-based task order, or performance-based arrangement;

"(C) any contract, task order, or other arrangement that is not performance based.

"(5) In the case of a contract made through an agency other than the Department of Defense:

"(A) the agency through which the purchase is made; and

"(B) the reasons for making the purchase through that agency.

"(c) COMPATIBILITY WITH DATA COLLECTION SYSTEM FOR INFORMATION TECHNOLOGY PURCHASES.—To the maximum extent practicable, a single data collection system shall be established for the United States outside this section and the information under section 2225 of this title.

(d) DEFINITIONS.—In this section:

"(1) The term ‘performance-based’, with respect to a contract or task order means that the contract, task order, or other arrangement, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

"(2) The definitions set forth in section 2225(f) of this title for the terms ‘simplified acquisition threshold’, ‘small business concern’, ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, and ‘small business concern owned and controlled by women’ shall apply.

(e) REQUIREMENT FOR PROGRAM REVIEW STRUCTURE.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue and implement a policy that authorizes the Department of Defense to review the program structure and the Department of Defense shall review the program structure that is similar to the one developed for and applied to the procurement of systems by the Department of Defense.

(2) The program review structure for the procurement of services shall, at a minimum, include the following:

"(A) Standards for determining which procurements should be subject to review by either the senior procurement executive of a military department or the senior procurement executive of the Department of Defense under such section, including criteria based on dollar thresholds, program criticality, or other appropriate measure.

"(B) Appropriate milestones at which those reviews should take place.

"(C) A description of the specific matters that should be reviewed.

(f) COMPETITOR GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary issues the policy described by subsection (d) and the Under Secretary of Defense for Acquisition, Technology, and Logistics issues the guidance required by subsection (c), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the compliance with the requirements of this section and the amendments made by this section.

(g) DEFINITIONS.—In this section:


"(2) The term ‘performance-based’, with respect to a contract or task order means that the contract or task order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(h) CLERICAL AMENDMENTS.—(1) The heading for section 2331 of title 10, United States Code, is amended to read as follows: ‘‘2331. Procurements of services: contracts for professional and technical services.’’

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2331 and inserting the following new items:

"2330. Procurements of services: management structure.

"2330a. Procurements of services: tracking.

SEC. 802. SAVINGS GOALS FOR PROCUREMENTS OF SERVICES.

(a) GOALS.—(1) It shall be an objective of the Department of Defense to achieve savings in expenditures for procurements of services through the use of—

"(A) performance-based services contracts;

"(B) competition for task orders under services contracts; and

"(C) program review, spending analyses, and improved management controls.

(2) In furtherance of that objective, the Department of Defense shall have goals to use..."
improved management practices to achieve, over 10 fiscal years, reductions in the total amount that would otherwise be expended by the Department for the procurement of services (other than military construction) in a fiscal year by the amount equal to 10 percent of the total amount of the expenditures of the Department in fiscal year 2000 for procurement of services (other than military construction), as follows:

(A) By fiscal year 2002, a three percent reduction.
(B) By fiscal year 2003, a four percent reduction.
(C) By fiscal year 2004, a five percent reduction.
(D) By fiscal year 2011, a ten percent reduction.

(b) ANNUAL REPORT.—Not later than March 1, 2002, and annually thereafter through March 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made toward meeting the objective and goals established in subsection (a). Each report shall include, at a minimum, the following information:

(1) A summary of the steps taken or planned to be taken in the fiscal year of the report to improve the management of procurements of services.
(2) A summary of the steps planned to be taken in the following fiscal year to improve the management of procurements of services.

(3) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the fiscal year of the report.
(4) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the following fiscal year.
(5) An estimate of the amount of savings that, as a result of improvement of the management practices used by the Department of Defense, will be achieved for the procurements of services by the Department of Defense in the fiscal year of the report and in the following fiscal year.

(c) REVIEW AND REPORT BY COMPTROLLER GENERAL.—The Comptroller General shall review each report submitted by the Secretary pursuant to subsection (b), and within 90 days after the date of the report, submit to the Congress a report containing the Comptroller General’s assessment of the extent to which the Department of Defense has taken steps to improve the objective and goals established by subsection (a). In each report the Comptroller General shall, at a minimum, provide:

(1) The accuracy and reliability of the estimates included in the Secretary’s report; and
(2) The effectiveness of the improvements in management practices that have been taken, and those that are planned to be taken, in the Department of Defense to achieve savings in procurements of services by the Department of Defense.

SEC. 803. COMPETITION REQUIREMENT FOR PURCHASES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate regulations in the Department of Defense Supplement to the Federal Acquisition Regulation that require competition in the purchase of products and services by the Department of Defense pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall provide, at a minimum, that each individual procurement of products and services in excess of $50,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the Department of Defense—

(1) waives the requirement on the basis of a determination that one of the circumstances described in paragraphs (1) through (4) of section 2303(c) of title 10, United States Code, applies to such individual procurement; and
(2) justifies the determination in writing.

(c) REPORTING REQUIREMENT.—The Secretary shall submit to the congressional defense committees each year a report on the use of the waiver authority provided in the regulations prescribed under subsection (b). The report shall cover a major defense acquisition program before compliance with subsection (a). With respect to an individual procurement of products or services under the multiple award contract of which the waivers were granted.

(d) DEFINITIONS.—In this section:

(1) the term ‘individual procurement’ means a task order, delivery order, or other purchase.

(2) the term ‘multiple award contract’ means—

(A) a contract that is entered into by the Administrator of General Services under title 44, chapter 63H, of title 10, United States Code; and

(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of title 10, United States Code, or sections 303J through 303L of title 10, United States Code.

(3) the term ‘major defense acquisition program’ has the meaning given that term in title 10, United States Code.

(4) Each major defense acquisition program before the requirement of the implementation of this subsection (c) shall be carried out under the terms and conditions that are in place on the date of the enactment of this Act.

SEC. 804. RISK REDUCTION AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) STANDARD FOR TECHNOLOGICAL MATURE.—(1) Section 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

"2431a. Risk reduction at program initiation.

(1) The term ‘major defense acquisition program’ has the meaning given in title 10, United States Code.

(2) The term ‘Milestone B approval’ means approval to begin development and acquisition of the system.

(3) The term ‘Milestone C approval’ means approval to begin development and acquisition of the system.

(b) EFFECTIVE DATE AND APPLICABILITY.—(1) This section shall apply to a major defense acquisition program that is initiated on or after the date of the enactment of this Act and shall apply to the major defense acquisition program that is initiated more than 6 months after that date with a Milestone B approval having been issued for the program.

(2) This section shall apply to a major defense acquisition program that is initiated on or after that date without a Milestone B approval having been issued for the program.

SEC. 805. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPING PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and
(2) by inserting after subsection (e) the following new subsection (f):

"(f) FOLLOW-ON PRODUCTION CONTRACTS.—(1) A transaction entered into under this section for a prototype project that satisfies the conditions set forth in subsection (d)(1)(B)(i) may provide for the award of a follow-on production contract to the participants in the transaction for a specific number of units at specific target prices. The number of units
specified in the transaction shall be determined on the basis of a balancing of the level of the investment made in the project by the participants other than the Federal Government with the interest of the Federal Government in having competition among sources in the acquisition of the product or products provided under the transaction.

(2) A follow-on production contract provided for in a transaction under paragraph (1) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of title 10, United States Code, if—

(A) alternative procedures were used for the selection of parties for participation in the transaction;

(B) the participants in the transaction successfully completed the prototype project provided for in the transaction;

(C) the number of units provided for in the follow-on production contract does not exceed the number of units specified in the transaction for such a follow-on production contract; and

(D) the prices established in the follow-on production contract do not exceed the target prices specified in the transaction for such a follow-on production contract.

Subtitle B—Defense Acquisition and Support Workforce

SEC. 811. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE ACQUISITION 2005 TASK FORCE

(a) REQUIREMENT FOR 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 and the House of Representatives a report on the extent of the implementation of the recommendations set forth in the final report of the Department of Defense Acquisition 2005 Task Force, entitled "Shaping the Civilian Acquisition Workforce of the Future".

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each recommendation in the final report that is being implemented or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement the recommendation;

(B) a schedule, with specific milestones, for completing the implementation of the recommendation;

(2) A summary of any additional actions the Secretary plans to take in order to address purposes underlying the recommendation.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Department of Defense reports to Congress under paragraph (a), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent of the implementation of the defense acquisition and support workforce recommendations.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines that the waiver will reduce the level of the defense acquisition and support workforce upon submitting to Congress the Secretary's certification that the defense acquisition and support workforce and the level thereof, to which such waiver is applied, will be able efficiently and effectively to perform the workloads that are required of that workforce consistent with the cost-effectiveness of the defense acquisition system in obtaining the best value equipment and with ensuring military readiness.

(c) DEFINITION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term "defense acquisition and support workforce" means Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that is—

(1) an acquisition organization specified in Department of Defense Instruction 5000.58, dated January 14, 1992; or

(2) an organization not so specified that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 812. REVISION OF ACQUISITION WORKFORCE QUALIFICATION REQUIREMENTS

(a) SPECIAL REQUIREMENTS FOR MEMBERS OF A CONTINGENCY CONTRACTING FORCE.—(1) Subchapter II of chapter 87 of title 10, United States Code, as enacted after section 1724 of this title, is amended by inserting after section 1724 the following new section:

"S 1724a. Contingency contracting force: qualification requirements

"(a) CONTINGENCY CONTRACTING FORCE.—The Secretary of Defense may identify as a contingency contracting force all the acquisition positions described in subsections (a) and (b) of section 1724 of this title that involve duties requiring the personnel in those positions to deploy to perform contracting functions in support of a contingency operation or other Department of Defense operation.

(b) QUALIFICATION REQUIREMENTS.—The Secretary of Defense shall prescribe the qualification requirements for a person appointed to serve as a contingency contracting force identified under subsection (a). The requirements shall include requirements that the person—

"(1) either—

"(A) have completed the credits of study as described in section 1724a(3)(B) of this title;

"(B) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of a person who has completed the credits of study as described in subparagraph (A); or

"(2) in a position in an executive agency or the private sector as a member of the armed forces in a similar occupational specialty.

(c) CLEARING OF GENERALLY APPLICABLE DISCRETIONARY REQUIREMENTS.—Section 1723 or under section 1724(a)(4) of this title, is amended—

(1) in subsection (a), by striking "employee or member of" in the first sentence and inserting "employee of, or a member of an armed force of"; and

(2) in subsection (b), by striking "subsection (a)(3), (b), or (c)(3)(A)(iii) of section 1724 of this title" in the first sentence and inserting "subsection (a)(3), (b), or (c)(3)(A)(iii) of section 1724 of this title or under paragraph (B) of section 1724a(b)(1) of this title".

(d) OFFICE OF PERSONNEL MANAGEMENT APPROVAL OF GENERALLY APPLICABLE DISCRETIONARY REQUIREMENTS.—Section 1725 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "section 1723 or under section 1723a(4) of this title" in the first sentence and inserting "section 1723, 1723a(4), or 1724a(b)(2)"; and

(2) in subsection (b), by striking "subsection (a)(3) or (b) of section 1724 of this title" in the first sentence and inserting "subsection (a)(3), (b), or (c)(3)(A)(iii) of section 1724 of this title or under paragraph (B) of section 1724a(b)(1) of this title".

(e) TECHNICAL CORRECTIONS.—Sections 1724a(3)(B) and 1723(c)(2) of such title are amended by striking "business finance" and inserting "business, finance".
Subtitle C—Use of Preferred Sources

SEC. 821. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE.

(a) CONDUCT OF REVIEW.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

"§2410n. Products of Federal Prison Industries: procedural requirements

"(a) MARKET RESEARCH BEFORE PURCHASE.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 10, the Secretary of Defense shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

"(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"§2410n. Products of Federal Prison Industries: procedural requirements.".

(b) APPLICABILITY.—Section 2410n of title 10, United States Code, as added by subsection (a), applies to contracts entered into on or after October 1, 2001.

SEC. 822. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§2382. Consolidation of contract requirements: policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements of the military department, agency, or activity as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not use an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000 unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies any alternative contracting approaches that a competition, the Sec-

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not provide sufficient justification for a consolidation of contract requirements in a procurement unless the total cost savings is expected to be substantial in relation to the total cost of the procurement.

"(3) Benefits considered for the purposes of paragraph (1) include—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) any other benefit.

"(c) DEFINITIONS.—In this section—

"(1) The term "consolidation of contract requirements" and "consolidation", with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity, with separate contracts smaller in cost than the total cost of the contract for which the offers are solicited.

"(2) The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

"(B) a multiple award task order contract or delivery order contract that is entered into under the contract referred to in subsections 2304d of this title or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 353 through 357); and

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

"(3) The term "senior procurement executive concerned" means—

"(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department;

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense;

"(4) The term "small business concern" means a small business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(b) APPLICABILITY.—The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in subsections 2304d of this title or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 353 through 357);

"(b) LIMITED COMPETITION REQUIREMENT.—To assess the impact of the consolidation of contract requirements on the availability of small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

"(3) In this subsection:

"(A) The term "bundle of contract requirements" has the meaning given that term in section 3(o)(2) of the Small Business Act (15 U.S.C. 644(h)(2));

"(B) The term "consolidation of contract requirements" has the meaning given that term in section 2403 of title 10, United States Code, as added by subsection (a).

"(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(b)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

"(1) in subparagraph (C), by inserting "and whether contract bundling played a role in the failure to meet "nifty" or "lively goals"; and

"(2) by adding at the end the following:

"(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.

"(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

"(1) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (b) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons therefor.

"(2) The provisions of subsection (b) of this section shall apply to any Federal agency to provide to the appropriate procurement executive a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

"(2) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this section.
into agreements under subsection (e) and furnish assistance to eligible small business concerns upon making application to the Secretary of Defense and being approved for participation in the program by the Secretary. A business concern participating in the program pursuant to such an approval shall be known for the purposes of the program as a "mentor firm." (2) An eligible small business concern may obtain assistance from a mentor firm upon the terms of an agreement with the mentor firm as provided in subsection (e). An eligible small business concern may not be a party to more than one agreement to receive such assistance at the same time. An eligible small business concern receiving such assistance shall be known, for the purposes of the program, as a "protege firm." (3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a small business concern described in subsection (l)(2)(A). The Administrator of the Small Business Administration shall determine the status of such business concern as such a small business concern in the event of a protest regarding the status of the business concern. At any time the business concern is determined by the Administrator to be such a small business concern, assistance furnished to the business concern by the mentor firm shall be considered furnished under the program. The Administrator of Small Business Administration—Subject to subsection (c)(1), a mentor firm eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if— (1) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or (2) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k). (e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the program pursuant to subsection (e), the mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following: (1) A developmental program for the protege firm, in such detail as may be reasonable, including— (A) factors to assess the protege firm’s developmental progress under the program; and (B) the anticipated number and type of subcontracts to be awarded the protege firm. (2) A program participation term for any period of not more than three years, except that the term shall be for a period of not more than five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years. (3) Procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause at any time. (f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following: (1) Assistance, by using mentor firm personnel, including— (A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning; (B) engineering and technical matters such as quality assurance; and (C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e). (2) Award of subcontracts on a non-competitive basis to the protege firm under the Department of Defense or other contracts. (3) Payment of progress payments for performance of the protege firm under such a subcontract if provided for in the contract, but in no event may any such progress payment exceed 10 percent of the costs incurred by the protege firm for the performance. (4) Advance payments under such subcontracts. (5) Loans. (6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest. (7) Assistance obtained by the mentor firm for the protege firm from one or more of the following: (A) Small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 637). (B) Entities providing procurement technical assistance pursuant to chapter 142 of this title. (C) A historically Black college or university or a minority institution of higher education. (8) INCENTIVES FOR MENTOR FIRMS.— (1) The Secretary of Defense may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment under a mentor-protege agreement with the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm. (2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the contractor subject to the maximum amount of reimbursement specified in such contract. The preceding sentence does not apply in a case in which the Secretary determines in writing that unusual circumstances justify reimbursement using a separate contract. (B) The determinations made in annual performance reviews of a mentor firm’s mentor-protege agreement under subsection (j)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement. (9) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount. (10)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract obligations to the mentor firm for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense or other contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another executive agency. (B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to— (i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(7); (ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm’s employees; and (iii) two times the total amount of any such other costs. (11) Under regulations prescribed pursuant to section 8 of the Small Business Act, the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm’s performance regarding the award of subcontracts to eligible small business concerns has declined without justifiable cause. (12) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm only for a subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business owned and controlled by socially and economically disadvantaged individuals, but only if— (A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and (B) the business concern formerly had a mentor-protege agreement with a mentor firm that was not terminated for cause. (h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f). (2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine an enterprise to be small just because a small business concern has been determined to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in a Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program. (3) The Small Business Administration may not require a firm to be a continuing partner in a contract or subcontract—(A) for the purpose of being awarded a contract by the Department of Defense or other contracting agency; (B) in a case in which the contractor is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense for the purposes of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose. (4) PARTICIPATION IN MENTOR-PROTEGE PROGRAMS NOT TO BE A CONDITION FOR BEING AWARDED A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm. (i) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the
progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement of not later than six months after the end of each fiscal year following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

(2) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement under this section and applicable regulations; and

(3) The term ‘disadvantaged small business concern’ is a small business concern that—

(i) a disadvantaged small business concern;

(ii) a small business concern owned and controlled by women; and

(iii) a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

(4) The term ‘small business concern’ means any of the historically Black colleges and universities referred to in section 2323 of this title.


(6) The term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in paragraphs (1) and (2) of section 811(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)), as in effect on September 30, 1992.

(7) The term ‘subcontracting participation goal’ means a goal for the extent of the participation by eligible small business concerns in the contracts awarded under the mentor-protege agreement that was reasonably expected to be reached during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.

(8) The term ‘government’ includes—

(A) the United States, any agency or instrumentality thereof, any private entity that meets the requirements of section 811(d)(3) of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day that the Department of Defense contracts by the protege firm under the agreement were reasonably expected to be reached during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.

(b) The Department of Defense policy regarding the Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.

(1) DEFINITIONS.—In this section:

(2) The Department of Defense policy relating to the Mentor-Protege Program shall include the following:

The requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(b) Procedures by which mentor firms that meet the requirements promulgated pursuant to section 2323 of this title and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(c) Employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce.

(d) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or non-profit basis that—

(A) uses rehabilitation engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

(B) employs individuals at a rate that averages not less than 20 percent of its total workforce.

(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to those employees who are severely disabled individuals.

(9) (A) The term ‘severely disabled individual’ means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for Acquisition from People Who Are Blind or Severely Disabled established by the first section of the Javits-Wagner-O’Day Act (41 U.S.C. 46), is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.

(2) The table of sections at the beginning of each chapter is amended by inserting after the item relating to section 2402 the following new item:

‘‘§ 2403. Mentor-Protege Program.’’


(c) Continuation of Temporary Reporting Requirement.—(1) Not later than six months after the enactment of this Act, the Secretary of Defense shall submit to Congress an annual report on the Mentor-Protege Program for that fiscal year.

(2) The annual report for a fiscal year shall include, at a minimum:

(A) The number of mentor-protege agreements that were entered into during the fiscal year.

(B) The number of mentor-protege agreements that were in effect during the fiscal year.

(C) The total amount reimbursed during the fiscal year to mentor-firms pursuant to section 2403(g) of title 10, United States Code (as added by subsection (a), or section 831(g) of the National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 2302 note) is repealed.

(d) Continuation of Temporary Reporting Requirement.—(1) The Department of Defense (as of the date of the enactment of this Act, as in effect on the day before the date of the enactment of this Act, including any such proceeding before a court of competent jurisdiction, and

(2) In effect at the end of such day, or were final before the date of the enactment of this Act and are to become effective on or after that date, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense or a court of competent jurisdiction or by operation of law.

(2) This section and the amendments made by this section shall not affect any proceedings, including notices of proposed rulemaking, that are pending before the Department of Defense as of the date of the enactment of this Act, with respect to the administration of the pilot Mentor-Protege Program under section 811 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day before that date, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to provide for the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) The amendment made by subsection (a) and the repeal of section 831 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b), shall not be construed as modifying or otherwise affecting the administration of the pilot Mentor-Protege Program under section 811 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-56; 113 Stat. 709).
SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.
Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—
(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and
(2) by inserting after paragraph (3) the following:

“(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

“(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of subsection (b) and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

“(B) CONCERNS DESCRIBED.—A small business concern described in this subparagraph if the small business concern—

“(i) has a publicly traded stock listed on a national stock exchange, or

“(ii) files reports with the Securities and Exchange Commission as a small business issuer.”

“(C) NON-CITIZENS.—In this paragraph, the term ‘non-citizen’ means an individual that is not a United States citizen; and

“(ii) any other person that is not organized under the laws of any State or the United States.”

Subtitle D—Amendments to General Contracting Authorities, Procedures, and Related Matters

SEC. 831. AMENDMENTS TO CONFORM WITH ADMINISTRATIVE CHANGES IN ACQUISITION PHASE AND MILESTONE TERMINOLOGY AND TO MAKE RELATED ADJUSTMENTS IN CERTAIN REQUIREMENTS APPLICABLE AT MILESTONE TRANSITION POINTS.

(a) ACQUISITION PHASE TERMINOLOGY.—The following provisions of title 10, United States Code, are amended by striking “engineering and manufacturing development” each place it appears and inserting “system development and demonstration”:

“§ 2366(c) and (d) and subsections (b)(3)(A)(i), (c)(3)(A), and (b)(1) of section 2342.

(b) TRANSITION POINTS.—(1) Section 811(c) 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-211), is amended by striking “Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system at Milestone B or C or for full rate production, or an equivalent approval for the development of a major automated information system at Milestone B or C” and inserting “Milestone B or C or for full rate production, or an equivalent approval for the development of a major automated information system at Milestone B or C”.

(2) Department of Defense Directive 5330.1, as revised in accordance with subsection (b) of section 811 of such Act, shall be further revised to reflect the fact that reference is being made to “Milestone B or C” each place it appears in paragraphs (1)(A), (2), (4) and (5) and inserting “Milestone B” and

(2) in paragraph (2), by striking “‘milestone II’” each place it appears in paragraphs (1)(A), (2), (4) and (5) and inserting “system development and demonstration”.

(d) ADJUSTMENTS TO REQUIREMENTS FOR BASELINE DESCRIPTION AND THE RELATED LIMITATION.—Section 2343 of title 10, United States Code, is amended—

(1) in subparagraph (1), by striking “engineering and manufacturing development” and inserting “system development and demonstration”;

(2) in subparagraph (c)—

(A) in paragraph (1), by striking “demonstration and validation” and inserting “system development and demonstration”; and

(B) in paragraph (2), by striking “system development and demonstration” and inserting “production and deployment”; and

(C) by striking “production and deployment” and inserting “full rate production”.

SEC. 832. INAPPLICABILITY OF LIMITATION TO SMALL PURCHASES OF MINIATURE OR INSTRUMENT BALL OR ROLLER BEARINGS UNDER CERTAIN CIRCUMSTANCES.

Section 2366(c)(2) of title 10, United States Code, is amended—

(1) by striking “contracts” and inserting “contract”;

(2) by striking the period at the end and inserting “unless the head of the contracting activity determines that”—; and

(3) by adding at the end the following:

“(A) the amount of the purchase does not exceed $25,000;

“(B) the precision level of the ball or roller bearings to be procured under the contract is rated lower than the precision level of Annual Roller Bearing Engineering Committee (ABEC) 5 or Roller Bearing Engineering Committee (RBEC) 5, or an equivalent of such rating;

“(C) the manufacturer is in the national technology and industrial base that are capable of producing the ball or roller bearings have not responded to a request for quotation issued for the contracting activity for that contract; and

“(D) no bearing to be procured under the contract has a basic outside diameter (exclusive of flange diameters) in excess of 30 millimeters.”.

SEC. 833. INSENSITIVE MunITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2304 the following new section 2305:

“§ 2305. Insensitive munitions program

“(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall develop a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and testing when subjected to unexplained stimuli.

“(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

“(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following:

“(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding the submission of the report and that are no longer in effect;

“(2) The reasons that the Secretary has not granted a waiver under this section; and

“(3) The reasons why the Secretary has not granted a waiver under this section.

“(d) ADDITIONS TO REQUIREMENT FOR QUANTITY FOR LOW-RATE INITIAL PRODUCTION.—Section 2405(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by striking “Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system at Milestone B or C” and inserting “system development and demonstration”;

(3) in subparagraph (c), by inserting “production and deployment” and deleting “full rate production”.

903. SENSE OF CONGRESS REGARDING THE SELECTION OF OFFICERS FOR ASSIGNMENT AS THE COMMANDER OF THE UNITED STATES TRANSPORTATION COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 envisioned that an officer would be assigned to serve as the commander of the United States Transportation Command on the basis of being the best qualified officer for the assignment rather than the best qualified officer of the armed force that has historically supplied an officer to serve in that assignment.

(2) In order to provide for greater competition among the Armed Forces for selection of officers for assignment as the commander of the combatant commands and assignment to certain other joint positions in the grade of general or admiral, Congress provided the Secretary of Defense discretion to relieve the number of officers serving on active duty in the grade of general or admiral in section 405
of the National Defense Authorization Act for Fiscal Year 1995 and thereafter extended that relief until September 30, 2003, but has also required that the Secretary of Defense be furnished with of at least one officer from each of the Armed Forces for consideration for appointment to each such position. (3) Most of the positions of commanders of the commands have been filled successively by officers of more than one of the Armed Forces since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (4) However, general officers of the Air Force with only limited experience in the transportation services have usually filled the positions of commander in Chief of the United States Transportation Command. (5) The United States Transportation Command and its component commands could benefit from the appointment of an officer selected from the two armed forces that are the primary users of their transportation re- sources, namely the Army and the Marine Corps. (b) Sense of Congress.—In light of the findings set forth in subsection (a), it is the sense of Congress that the Secretary of De- fense should be given the authority to make a recommendation to the President for ap- pointment as the Commander in Chief, United States Transportation Command, given to the President by Congress of commanding an officer of the Army or the Marine Corps. SEC. 904. ORGANIZATIONAL REALIGNMENT FOR NAVY DUTY FOR EXPEDI- TIONARY WARFARE. Section 5038(a) of title 10, United States Code, is amended by striking “Office of the Deputy Chief of Naval Operations for Re- sources, Warfare Requirements, and Assess- ments” and inserting “Office of the Secretary of Naval Operations for Warfare Re- quirements and Programs”.

SEC. 905. REVISED REQUIREMENTS FOR CON- TENT OF ANNUAL REPORT ON J OINT W ARFIGHTING EXPERIMENTATION. Section 485(b) of title 10, United States Code, is amended— (1) by striking “Military Airlift Com- mand” in sections 2554(d) and 2555(a) and in- inserting “Air Mobility Command” and; (2) in section 8071, by striking subsection (c). (b) TITL E 37, UNITED STATES CODE.—Sec- tions 5330(c) and 5332(b) of title 37, United States Code, are amended by striking “Mili- tary Airlift Command” and inserting “Air Mobility Command”.

Subtitle B—Organization and Management of Space Activities

SEC. 911. ESTABLISHMENT OF POSITION OF DIRECTOR OF DEFENSE FOR SPACE, INTELLIGENCE, AND IN- FORMATION. (a) AUTHORIZATION.—The Secretary of Defense To Establish Position.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the po- sition of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Sec- retary of Defense for Space, Intelligence, and Information shall perform duties and exer- cise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (c). (b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary may not exercise the au- thority in subsection (a) after December 31, 2005. (c) NOTICE OF EXERCISE OF AUTHORITY.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Con- gress of the establishment of the position of Under Secretary of Defense for Space, Inte- llIGENCE, and Information, together with the date on which the position was estab- lished. (d) NATURE OF POSITION.— (1) IN GENERAL.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code is amended— (A) by redesigning section 139a as section 139 and by transferring such section (as so redesignated) within such chapter as so to appear after section 139, and (B) by inserting after section 136 the fol- lowing new section 137: 8137. Under Secretary of Defense for Space, Intelligence, and Information (a) There is an Under Secretary of De- fense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and con- sent of the Senate. (b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intel- ligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information pro- grams and activities of the Department of Defense as the Secretary of Defense may pre- scribe. The duties and powers prescribed for the Under Secretary shall include the fol- lowing: (1) In coordination with the Under Sec- retary of Defense for Policy, the establish- ment of policy on space. (2) In coordination with the Under Sec- retary of Defense for Acquisition, Technol- ogy, and Logistics, the acquisition of space systems. (3) The deployment and use of space as- sets. (4) The oversight of research, develop- ment, acquisition, launch, and operation of space, intelligence, and information assets. (5) By establishing programs to meet the long-term intelligence requirements of the United States.

(b) The coordination of intelligence ac- tivities of the Department and the intel- ligence activities within the Department.

(c) The coordination of space activities of the Department with commercial and civil- ian space activities.

(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense over the Under Secretary of Defense for Per- sonnel and Readiness. (2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138 of title 37, United States Code, is amended by inserting “nine Assistant Secre- taries of Defense” and inserting “ten Assist- ant Secretaries of Defense”. (3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND IN- FORMATION.—Section 138 of title 37, United States Code, is amended by adding at the end the following new paragraph: (7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of De- fense for Space, Intelligence, and Informa- tion in the performance of such duties.”.

(4) CONFORMING AMENDMENTS.—Section 131(b) of title 37, United States Code, is amended by redesigning paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the fol- lowing new paragraph (6): “(6) The Under Secretary of Defense for Space, Intelligence, and Information.”.

(5) PAY LEVELS.— (A) Section 5314 of title 5, United States Code, is amended by inserting after “Under Secretary of Defense for Per- sonnel and Readiness” the following: Under Secretary of Defense for Space, In- telligence, and Information.”.

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretary of Defense by striking “(9)” and inserting “(10)”. (6) Clerical Amendments.—The table of sections at the beginning of chapter 4 of title 10, United States Code, 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 138 the following new item: “139a. Director of Defense Research and En- gineering.”.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of the date specified in the notification pro- vided by the Secretary of Defense to Con- gress under subsection (e) of the exercise of the authority in subsection (a).

(e) REPORT.—(1) Not later than 30 days be- fore an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the名义 of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exer- cised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to committees on Armed Services of the Senate and the House of Re- presentatives on that date a report describing the actions taken by the Secretary to ad- dress the problems in the management and organization of the Department of Defense for space activities that are identified by the
Chapter 135—Space Programs

SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) In General.—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

“§ 2271. Responsibility for space programs

“(a) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

“(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

“(2) Execution of the programs, projects, and activities of the Department that relate to space.

“(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.—The Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

“(c) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

“(d) DESIGNATED RESPONSIBILITIES.—The Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

“(e) SPACE CAREER FIELD.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officials with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

“(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

“(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of Defense; and

“(B) management of the space career field under paragraph (1).

“(f) OBTAINED SPACE ORGANIZATION MANAGEMENT.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, Air Force personnel are assigned, on a joint duty assignment basis, as follows:

“(1) To carry out the space development and acquisition programs of the Department of Defense; and

“(2) To the Office of the National Security Space Architect.

“§ 2272. Development and execution of the acquisition programs, projects, and activities of the Department that relate to space.

“(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program section 221 of title 10, United States Code.

“(b) IMPLEMENTATION.—The category created under subsection (a) 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. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.


“(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under paragraph (a). Each report shall set forth the results of the assessment as of the date of such report.

“SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

“(a) IN GENERAL.—Chapter 815 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8584. Commander of Air Force Space Command

“(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

“(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the element of the United States Space Force.

“(c) 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—Military

“§ 8584. Commander of Air Force Space Command—Civilian

“SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

“It is the sense of Congress that the Secretary of Defense should assign the highest qualified officer of the Army, Navy, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

“SEC. 1001. TRANSFER AUTHORITY.

“(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that the authority of the Secretary of Defense to transfer authorizations under section 2501 of title 10, United States Code, between any such authorizations for that fiscal year (or any subdivisions thereof) 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 any item that has been denied authorization by Congress.

“(b) 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.

“(c) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

“SEC. 1002. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF DEFENSE FOR MANAGEMENT EFFICIENCIES.

“Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for the Department of Defense by divisions A and B of this Act is hereby reduced by $1,630,000,000 to reflect savings to be achieved through implementation of the provisions of title VIII and other management efficiencies and business process reforms.


“Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Supplemental Appropriations Act, 2001 (Public Law 107–20).

“SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2001.

“(a) FISCAL YEAR 2001 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2001 for the common-funded budgets of NATO may not be any amount in excess of, but if equal to, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

“(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

“(1) The amounts of unexpended balances, as of the end of fiscal year 2000, of funds appropriated for fiscal years 2000 and 2001 for payments for those budgets.

“(2) The amount specified in subsection (c)(1).

“(3) The amount specified in subsection (c)(2).

“(4) The total amount of the contributions authorized to be made under section 2501.

“(c) AUTHORIZED AMOUNT.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

“(1) Of the amount provided in section 201(1), $708,000 for the Civil Budget.

“(2) Of the amount provided in section 301(1), $449,000,000 for the Military Budget.

“(d) DEFINITIONS.—For purposes of this section:

“TITLE X—GENERAL PROVISIONS

Subtitle A—Fiscal Matters

SEC. 1001. TRANSFER AUTHORITY.

“(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense, or the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, that the authority of the Secretary of Defense to transfer authorizations under section 2501 of title 10, United States Code, between any such authorizations for that fiscal year (or any subdivisions thereof) 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 any item that has been denied authorization by Congress.

“(b) 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.

“(c) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

“(d) REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF DEFENSE FOR MANAGEMENT EFFICIENCIES.

“Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for the Department of Defense by divisions A and B of this Act is hereby reduced by $1,630,000,000 to reflect savings to be achieved through implementation of the provisions of title VIII and other management efficiencies and business process reforms.

“(a) FISCAL YEAR 2001 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2001 for the common-funded budgets of NATO may not be any amount in excess of, but if equal to, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

“(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

“(1) The amounts of unexpended balances, as of the end of fiscal year 2000, of funds appropriated for fiscal years 2000 and 2001 for payments for those budgets.

“(2) The amount specified in subsection (c)(1).

“(3) The amount specified in subsection (c)(2).

“(4) The total amount of the contributions authorized to be made under section 2501.

“(c) AUTHORIZED AMOUNT.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

“(1) Of the amount provided in section 201(1), $708,000 for the Civil Budget.

“(2) Of the amount provided in section 301(1), $449,000,000 for the Military Budget.

“(d) DEFINITIONS.—For purposes of this section:
The term ‘common-funded budgets of NATO’ means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (or any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ‘fiscal year 1998 baseline limitation’ means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth in the annual limitation in section 3(2)(C)(i) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. CLARIFICATION OF APPLICABILITY OF INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS UNDER CONTRACTS FOR SERVICES.

Section 1008 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–251) is amended by inserting after the first sentence the following: ‘‘, and shall apply with respect to interim payments that are due on or after such date under contracts entered into after the date of the enactment of this Act.’’

SEC. 1006. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

(a) Annual Report on Reliability.—(1) Not later than July 1 of each year, the Secretary of Defense shall submit to the recipients referred to in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of the department that is required to prepare a financial statement under section 3315(c) of title 31, United States Code.

(2) The annual report shall contain the following:

(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in the financial statements.

(B) For each of the financial statements prepared in accordance with section 3315(c) of title 31, United States Code, and the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated at the end of the preceding fiscal year), together with a discussion of the major deficiencies to be expected in the statement.

(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that

(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

(ii) describe improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

(iii) provide an estimate of when each financial statement will convey reliable information.

(3) The annual report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

(C) The Director of the Office of Management and Budget.

(b) Minimization of use of resources for unreliable financial statements.—(1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) or the Assistant Secretary (Financial Management and Comptroller) of the department concerned shall take appropriate actions to minimize the resources, including contracts, funds, and other resources, as appropriate, used to develop, compile, and report the financial statement.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

(I) An estimate of the resources that the Department of Defense expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

(II) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the preparation of financial statements to the improvement of financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(B) The Assistant Secretaries (Financial Management and Comptroller) of the Army, Navy, and Air Force shall provide the Under Secretary of Defense (Comptroller) with the information necessary for making the estimate required by subparagraph (A)(i).

(c) Information to Auditors.—Not later than October 31 of each year, the Under Secretary of Defense (Comptroller) shall provide the Inspector General of the Department of Defense with the information necessary for making the reliability assessment stated in the representation required by section 3515(c) of title 31.

(d) Limitation on inspector general audits.—(1) Each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform financial audits that are performed in accordance with—

(i) federal financial audits requirements for audits conducted by officials of the Department of the Treasury or the General Accounting Office pursuant to—

(I) section 3521 of title 31; and

(II) any successor or additional account or program of the General Accounting Office; and

(ii) generally accepted government auditing standards consistent with any representation made by management.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

(I) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

(II) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the auditing of financial statements to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(e) Period of applicability.—(1) Except as provided in paragraph (2), the requirements of this section shall apply to financial statements for fiscal years after fiscal year 2000 and before fiscal year 2006 and to the auditing of those financial statements.

(2) If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successor financial statement for the department or that component, as the case may be, for any later fiscal year.

SEC. 1007. FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE AND FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.

(a) Establishment of financial management modernization executive committee and financial feeder systems compliance process.

(1) The Secretary of Defense shall establish a Financial Management Modernization Executive Committee.

(2) The committee shall be composed of the Under Secretary of Defense (Comptroller), the Under Secretary of Defense (Acquisition, Technology, and Logistics), the Under Secretary of Defense (Personnel and Readiness), the chief information officer of the Department of Defense, and other key managers of the Department of Defense (including key managers in Defense Agencies and military departments) who are designated by the Secretary.

(3) The Under Secretary of Defense (Comptroller) shall be the Chairman of the Committee.

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy.

(b) Duties.—The Financial Management Modernization Executive Committee shall have the following duties:

(1) To establish a financial and feeder systems compliance process that ensures that each critical accounting, financial management, and feeder system of the Department of Defense is compliant with applicable Federal financial management and reporting requirements.

(2) To develop a management plan for the implementation of the financial and feeder systems compliance process.

(3) To supervise and monitor the actions that are necessary to implement the management plan, as approved by the Secretary of Defense.

(4) To ensure that a Department of Defense financial management enterprise architecture is developed and maintained in accordance with—

(A) the overall business process transformation strategy of the Department of Defense; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework.

(5) To ensure that investments in existing or proposed financial management systems

October 3, 2001
Congressional Record — Senate
S10213
for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being maintained at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in performance.

(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.—The management plan developed under subsection (b)(2) shall include among its principal elements at least the following elements:

(1) A requirement to establish and maintain a corporate inventory of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.

(2) A phased process for improving systems that provides for mapping financial data flow from sources to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other systems are addressed.

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, on the progress made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Evaluation, Compliance, and Revalidation—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

"(a) ANNUAL PLAN.—(1) The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.

(2) (A) The section heading of such section is amended to read as follows:

"2222. Annual financial management improvement plan."

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the last entry of section 2222 and inserting the following new item:

"2222. Annual financial management improvement plan."

(4) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) In the annual financial management improvement plan submitted under subsection (a), the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate management officials for the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(2) Performance milestones for initiatives for improving financial management within the Department, and within a reasonable schedule, and are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in performance.

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (a).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in the preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(2) Performance milestones for initiatives for improving financial management within the Department, and within a reasonable schedule, and are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in performance.

"(3) Under extraordinary circumstances—

(A) physical security management planning;

(B) procurement and support of security forces and security equipment; and

(C) security reviews and investigations and vulnerability assessments; and

(D) any other activity relating to physical security.

(4) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combating Terrorism Readiness Initiatives Fund, shall give priority consideration to emergency or emergent unforeseen high-priority requirements for combating terrorism.

Sec. 1010. AUTHORIZATION OF ADDITIONAL FUNDING.

(a) Authorization.—$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in division A of this Act, for work of the Department of Defense known as the Combating Terrorism Readiness Initiatives Fund, for use of the funds in the Combating Terrorism Readiness Initiatives Fund, for any activity that has been denied authorization by Congress.

(b) Quarterly Report.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

Sec. 1011. PROPOSED ALLOCATION AND PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and
Subtitle B—Strategic Forces

SEC. 1011. REPEAL OF LIMITATION ON RETIREMENT OF BOMBER FORCE.

(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 the reassigning of any of those aircraft from the unit or facility to which assigned as of that date, until 30 days after the latest of the following:

(1) The date on which the President transmits to Congress the national security strategy report required in 2001 pursuant to section 108(a)(1) of the National Security Act of 1947 (50 U.S.C. 404a(a)(1));

(2) The date on which 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 is required to be submitted under that section not later than September 30, 2001;

(3) The date on which the Secretary of Defense submits to the committees referred to in paragraph (1) a report that sets forth—

(A) the changes in national security considerations from those applicable to the air force bomber force studies conducted during 1992, 1995, and 1996 and the significant changes in the current configuration of the bomber fleet;

(B) the role of manned bomber aircraft appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(C) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(D) the results of a comparative analysis of the cost of basing, maintaining, operating, and upgrading the B-1B Lancer bomber fleet in the active force of the Air Force with the cost of basing, maintaining, operating, and upgrading the B-1B Lancer bomber fleet in a mix of active and reserve component forces of the Air Force; and

(E) 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 such new missions;


(b) GAO Study and Report.—(1) The Comptroller General of the United States shall submit to Congress a report containing the results of the study not later than January 31, 2002.

(c) Amount and Type of Bomber Force Structure Defined.—In this section, the term ‘amount and type of bomber force structure’ means the required number of:

(1) one F-22 aircraft; and

(2) two A-10 aircraft; and

(3) at least one B-1 aircraft consistent with the requirements of the national security strategy referred to in subsection (a)(1).

SEC. 1012. ADDITIONAL ELEMENT FOR REVISED NUCLEAR POSTURE REVIEW.

Section 108(a)(1) of the National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-262) is amended by adding at the end the following paragraph:

‘‘(7) The possibility of deactivating or dismantling nuclear warheads or delivery systems immediately, or immediately after a decision to retire any specific weapon stockpile class of warheads, or delivery system or systems.’’.

Subtitle C—Report on Combating Terrorism

SEC. 1021. ENGAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) Compilation of Reporting Requirements.—The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act that require or request the President, with respect to the national defense functions of the Federal Government, or any officer or employee of the President, to—

(A) submit a report, notification, or study to Congress or any committee of Congress.

(b) Submittal of Compilation.—(1) The Secretary shall submit the list compiled under paragraph (a) not later than 180 days after the date of the enactment of this Act.

(2) In submitting the list, the Secretary shall specify for each provision of law compiled in the list—

(A) the date of the enactment of such provision of law; and

(B) the Secretary’s assessment of the continuing utility of any report, notification, or study arising under such provision of law, both for the executive branch and for Congress.

(c) The Secretary may also include with the list any recommendations that the Secretary considers appropriate for the consolidation of reports, notifications, and studies under the provisions of law described in subsection (a), together with a proposal for legislation to implement such recommendations.

SEC. 1022. REPORT ON COMBATING TERRORISM.

(a) Requirement for Report.—The Secretary of Defense shall submit to Congress a report on the Department of Defense policies, plans, and procedures for combating terrorism.

(b) Content.—(1) The Secretary shall identify and explain in the report the Department of Defense structure, strategy, roles, relationships, and responsibilities for combating terrorism.

(2) The report shall also include a discussion of the following:

(A) The policies, plans, and procedures relating to how the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Joint Task Force—Civil Support of the Joint Forces Command are to perform, and coordinate the performance of, their functions for combating terrorism with—

(i) the various teams in the Department of Defense that have responsibilities to respond to acts or threats of terrorism, including—

(I) the weapons of mass destruction civil support teams when operating as the National Guard under the command of the Governor of a State, the Governor of Puerto Rico, or the Adjutant General of the District of Columbia National Guard, as the case may be; and

(II) the weapons of mass destruction civil support teams when operating as the Army National Guard of the United States or the Air National Guard of the United States under the command of the President;

(ii) the Army’s Director of Military Support;

(iii) the various teams in other departments and agencies of the Federal Government that have responsibilities to respond to acts or threats of terrorism;

(iv) the organizations outside the Federal Government, including any private sector entities, that are to function as first responders to acts or threats of terrorism; and

(v) the units and organizations of the reserve components of the Armed Forces that have missions relating to combating terrorism.

(B) Any prepared plans to combat terrorism that are developed in the posture of the Department of Defense by the commanders of the installations and the integration of those plans with the plans of the teams and other organizations described in subparagraph (A).

(C) The policies, plans, and procedures for using and coordinating the Joint Staff’s information to identify terrorism vulnerabilities inside the United States and outside the United States.

(D) The missions of Fort Leonard Wood and other installations for training units, weapons of mass destruction civil support teams and other teams, and individuals in combating terrorism.

The report shall also include the Secretary’s views on the appropriate number and missions of the Department of Defense military and other teams referred to in paragraph (2)(A)(i).

SEC. 1023. REVISED REQUIREMENT FOR CHAIRMAN’S ASSESSMENT OF STAFF TO ADVISE SECRETARY OF DEFENSE ON THE ASSIGNMENT OF ROLES AND MISSIONS TO THE ARMED FORCES.

(a) Assessment During Defense Quadrennial Review.—Subsection 118(e) of title 10, United States Code, is amended—

(1) by inserting ‘‘(1)’’ after ‘‘(e) CJCS Re- view’’;— and

(2) by adding at the end the following new paragraph:

‘‘(B) Changes in technology that can be applied effectively to warfare.’’.

(b) Repeal of Requirement for Triennial Report on Assignment of Roles and Missions.—Section 153 of such title, as amended by the National Defense Authorization Act for Fiscal Year 2002, is repealed by striking subsection (b).

(c) Conforming Amendment.—Subsection (a) of such section 153 is amended by striking—

‘‘(A) Unnecessary duplication of effort among the armed forces;’’— and

‘‘(B) Changes in technology that can be applied effectively to warfare.’’.

SEC. 1024. REVISION OF DEADLINE FOR ANNUAL REPORT ON COMMERCIAL AND INDUSTRIAL AFFAIRS.

Section 2461(g) of title 10, United States Code, is amended by striking ‘‘February 1’’ and inserting ‘‘June 30’’.
SEC. 1025. PRODUCTION AND ACQUISITION OF VACCINES FOR DEFENSE AGAINST BIOLOGICAL WARFARE AGENTS.

(a) Governing Legislation—(1) Subject to the availability of funds appropriated and authorized to be appropriated for such purposes, the Secretary of Defense may—

(A) construct and operate on an installation of the Department of Defense a facility for the production of vaccines described in subsection (b)(1);

(B) construct and operate a facility for the production of vaccines in accordance with the requirements of the Food and Drug Administration; and

(C) contract with a private sector source for the production of vaccines in that facility.

(2) The Secretary shall use competitive procedures under chapter 137 of title 10, United States Code, to enter into contracts to carry out subparagraphs (A) and (C) of paragraph (1).

(b) PLAN.—(1) The Secretary of Defense shall develop a long-range plan to provide for the production and acquisition of vaccines to meet the requirements of the Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(2) The plan shall include the following:

(A) An evaluation of the need for one or more vaccine production facilities that are specifically dedicated to meeting the requirements of the Department of Defense and other national interests.

(B) An evaluation of the alternative options for the means of production of the vaccines, including—

(i) use of public facilities, private facilities, or a combination of public and private facilities; and

(ii) management and operation of the facilities by the Federal Government, one or more private persons, or a combination of the Federal Government and one or more private persons.

(C) The means for producing the vaccines that the Secretary determines most appropriate.

(3) The Secretary shall ensure that the plan is consistent with the requirement for safe and effective vaccines approved by the Food and Drug Administration.

(4) In preparing the plan, the Secretary shall—

(A) consider and, as the Secretary determines appropriate, provide the information compiled and the analyses developed in meeting the reporting requirements set forth in sections 217 and 218 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-302; and

(B) consult with the heads of other appropriate departments and agencies of the Federal Government.

(c) FUNDING.—Not later than 1 February 2002, the Secretary shall submit to the congressional defense committees a report on the plan for the production of vaccines required by subsection (b).

(d) STUDY.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, the Federal Emergency Management Agency, and other Federal, State, and local emergency preparedness and response agencies.

(e) REPORT.—The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate.

SEC. 1027. CONTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and the networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) REPORT.—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video or other operational support of disaster response, homeland defense, national and local command and control of national security, technological, or other concerns or limitations impede the production and acquisition of vaccines to meet the requirements of the Department of Defense.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and such other networks.

(3) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which the networks facilitate the mission of the National Guard and homeland defense.

(4) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(f) FUNDING.—(1) Subject to the availability of funds appropriated and authorized to be appropriated for such purposes, the Secretary of Defense may, to the extent necessary, fund the study described in subsection (a).
the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

"(c) FACILITIES.—(1) Each facility of the Retirement Home referred to in paragraph (2) is a separate establishment of the Retirement Home.

(2) The United States Soldiers' and Airmen's Home is hereby redesignated as the Armed Forces Retirement Home—Washington.

(3) The Secretary of the Navy shall, in the exercise of the authority, direction, and control of the Secretary of the Navy, determine the necessity for and authorize the final disposition to the Committees of the House of Representatives, on Armed Services of the Senate and the Armed Services of the House of Representatives.

(4) The Secretary of the army shall, in the exercise of the authority, direction, and control of the Secretary of the Army, determine the necessity for and authorize the final disposition to the Committees of the House of Representatives, on Armed Services of the Senate and the Armed Services of the House of Representatives.

"(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes and shall be under the authority, direction, and control of the Chief Operating Officer.

(2) Monies received as gifts, or realized from the disposition of property and facilities as may be acquired under paragraph (2) or accepted under section 1515(f) for inclusion in the Retirement Home.

"(b) TRANSFER OF AUTHORITIES.—(1) The following provisions are amended by striking "Retirement Home Board" and inserting "Chief Operating Officer":

(A) Section 1512 (24 U.S.C. 412), relating to eligibility and acceptance for residence in the Armed Forces Retirement Home.

(B) Section 1513(a) (24 U.S.C. 413(a)), relating to services provided to residents of the Armed Forces Retirement Home.

(C) Section 1518(c) (24 U.S.C. 418(c)), relating to inspection of the Armed Forces Retirement Home.

"(c) FEES PAID BY RESIDENTS.—(1) The following provisions are amended by striking "Secretary of Defense" and inserting "Chief Operating Officer":

(A) Section 1521(a) (24 U.S.C. 421(a)), relating to payment of fees for services, is amended by striking "Chairman of the Armed Forces Retirement Board" and inserting "Chief Operating Officer".

(B) Section 1524 (24 U.S.C. 424), relating to the Secretary being responsible for the financial needs of the Retirement Home, is amended—

(1) by striking "Chairman of the Retirement Home Board" and inserting "Chief Operating Officer";

(2) by striking "Chairman of the Retirement Home Board" and inserting "Chief Operating Officer".

(Sec. 1045. Residents of Retirement Home.

A) REPEAL OF REQUIREMENT OF RESIDENT TO REAPPLY AFTER SUBSTANTIAL ABSENCE.—Subsection (a) of section 1512 (24 U.S.C. 412) is repealed.

(B) FEES PAID BY RESIDENTS.—Section 1514 (24 U.S.C. 414) is amended to read as follows:

"(Sec. 1514. Fees paid by residents.

(a) Monthly fees.—The Director of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

(b) Deposit of fees.—The Directors shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

"(c) FIXING FEES.—The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to fees shall be made to meet the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee..."
may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives."

(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a beneficiary. The fee shall be subject to a limitation on maximum monthly amount. The percentage shall be the same for each facility of the Retirement Home. The Secretary shall make any adjustment in a percentage or limitation on maximum monthly amount that are applicable to fees charged residents of the Retirement Home are subject to any adjustment that the Secretary of Defense determines appropriate.

TRANSPORTATION FEE STRUCTURES.—(1) Until different fees are prescribed and take effect under subsection (c), the percentages and limitations on maximum monthly amount that are applicable to fees charged residents of the Retirement Home are subject to any adjustment that the Secretary of Defense determines appropriate.

(2) For months beginning before January 1, 2002—

(a) For a permanent health care resident, 65 percent (without limitation on maximum monthly amount).

(b) For an assisted living resident, 40 percent (without limitation on maximum monthly amount).

(c) For a resident who is not a permanent health care resident, 40 percent, but not to exceed $1,500 each month; and

(d) For a long-term care resident, 65 percent, but not to exceed $2,500 each month.

(2) Notwithstanding the limitations on maximum monthly amount prescribed under subsection (c), fees for a resident of the Armed Forces Retirement Home—Gulfport occupies a renovated room at that facility, as determined by the Secretary of Defense, the limitation on maximum monthly amount applicable to the resident for months beginning after December 31, 2001, shall be—

(A) in the case of an independent living resident, $1,000; and

(B) in the case of an assisted living resident, $1,900.

SEC. 1046. LOCAL BOARDS OF TRUSTEES. Section 1516 (24 U.S.C. 416) as amended is read as follows:

SEC. 1516. LOCAL BOARDS OF TRUSTEES.

(a) Establishment.—Each facility of the Retirement Home shall have a Local Board of Trustees.

(b) Duties.—The Local Board for a facility shall—

(1) serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

(c) Composition.—(1) The Local Board for a facility shall consist of at least 11 members who (except as otherwise specifically provided) shall be appointed by the Secretary of Defense in consultation with each of the Secretary of Veterans Affairs and the Secretary of the military departments concerned. At least one member of the Local Board shall have a perspective that is oriented toward the Retirement Home. The Local Board of a facility shall consist of the following members:

(A) One member who is a military personnel of the Armed Forces.

(B) One member who is a member of the Armed Forces.

(C) One member who is a member of the Armed Forces.

(D) One representative of the Department of Veterans Affairs regional office nearest in proximity to the facility, who shall be designated by the Secretary of Veterans Affairs.

(E) One member who is a member of a local advisory council or council of the facility, who shall be a nonvoting member.

(F) One representative of the Services’ Regional Council.

(G) The senior noncommissioned officer of one of the Armed Forces.

(H) One senior representative of the military hospital nearest in proximity to the facility.

(I) One senior judge advocate from one of the Armed Forces.

(J) One representative of the facility, who shall be a nonvoting member.

(K) One senior representative of one of the chief personnel officers of the Armed Forces.

(L) Other members designated by the Secretary of Defense (if the Local Board is to have more than 11 members).

(2) The Secretary of Defense shall designate one member of a Local Board to serve as the chairman of the Local Board at the pleasure of the Secretary of Defense.

(d) Terms.—(1) Except as provided in subsections (e), (f), and (g), the term of office of a member of a Local Board shall be five years.

(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of a Local Board after the expiration of the member’s term until a successor is appointed or designated, as the case may be.

(e) Early Expiration of Term.—A member of a Local Board who is a member of the Armed Forces or an employee of the United States shall, unless a member of a Local Board only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Local Board—

(1) A vacancy in the membership of a Local Board shall be filled in the manner in which the original appointment or designation was made, as the case may be.

(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term for which the predecessor was appointed.

(3) A vacancy in a Local Board shall not affect its authority to perform its duties.

(f) Early Termination.—The Secretary of Defense may terminate the appointment of a member of a Local Board before the expiration of the member’s term for any reason that the Secretary determines appropriate.

(g) Compensation.—(1) Except as provided in paragraph (2), a member of a Local Board shall—

(A) be provided a stipend consistent with the daily rate of pay set by the Director of the local military department concerned in paragraph (1). The daily rate of pay for each day on which the member is engaged in the performance of services for the Local Board; and

(B) while away from home or regular place of business in the performance of services for the Local Board, be allowed travel expenses (including per diem in lieu of subsistence) in the manner and amount prescribed under sections 3007 and 3009 of title 5, United States Code.

(2) A member of a Local Board who is a member of the Armed Forces on active duty in a grade above major or lieutenant colonel shall—

(A) be required to pursue a course of study to receive certification as a retirement facility director by a civilian certifying organization, if the Director is not so certified at the time of appointment.

(B) have appropriate leadership and management skills; and

(C) be required to continue to pursue a course of study to receive certification as a retirement facility director by a civilian certifying organization, if the Director is not so certified at the time of appointment.

(h) Duties of Director.—(1) The Director of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

(2) The Director of a facility shall keep accurate and complete records of the facility.

(i) Deputy Director.—(1) The Deputy Director of a facility shall—

(A) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces on active duty in a grade above major or lieutenant colonel; and

(B) have appropriate leadership and management skills.

(2) The Deputy Director of a facility shall—

(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) serve at the pleasure of the Secretary of Defense, without regard to the provisions of title 5, United States Code.

Sec. 1047. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES. Section 1517 (24 U.S.C. 417) as amended is read as follows:

SEC. 1517. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.

(a) Appointment.—The Secretary of Defense shall appoint a Director and a Deputy Director for each facility of the Retirement Home.

(b) Director.—The Director of a facility shall—

(1) be a member of the Armed Forces serving on active duty in a grade above lieutenant colonel or commander;

(2) have appropriate leadership and management skills; and

(3) be required to continue to pursue a course of study to receive certification as a retirement facility director by a civilian certifying organization, if the Director is not so certified at the time of appointment.

(c) Duties of Director.—(1) The Director of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

(2) The Director of a facility shall keep accurate and complete records of the facility.

(d) Deputy Director.—(1) The Deputy Director of a facility shall—

(A) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces on active duty in a grade above major or lieutenant colonel; and

(B) have appropriate leadership and management skills.

(2) The Deputy Director of a facility shall—

(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) serve at the pleasure of the Secretary of Defense, without regard to the provisions of title 5, United States Code.

(e) Duties of Dependent.—The Deputy Director of a facility shall, under the authority, direction, and control of the Director of the facility, perform such duties as the Director may assign.

(f) Staff.—(1) The Director of a facility may, subject to the approval of the Chief Operating Officer, appoint and prescribe the pay of such principal staff as the Director considers appropriate to assist the Director in operating the facility.

(2) The principal staff of a facility shall include persons with experience and expertise in the operation and management of retirement homes and the provision of long-term medical care for older persons.

(3) The Director of a facility may exercise the authority under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and pay, except that the limitations in section 5373 of such title (relating to pay set by administrative action) shall apply to the rates of pay prescribed under this paragraph.

Sec. 1048. DISPOSITION OF EFFECTS OF DEFENDERS PERSONS AND UNCLAIMED PROPERTY.

(a) Legal Representation for Defenders Persons and Unclaimed Property.

(b) Technical and Other Consumer Protection Services.
Forces on active duty” after “may designate an attorney.”

(b) Correction of Reference.—Subsection (b)(1)(B) of such section is amended by inserting “Armed Forces” before “Retirement Home Trust Fund.”

SEC. 1049. TRANSITIONAL PROVISIONS.

Part B is amended by striking sections 1511, 1512, and 1533 and inserting the following:

“SEC. 1531. TEMPORARY CONTINUATION OF ARMED FORCES RETIREMENT HOME FOR THE PERIOD OF ACTIVE DUTY TO WHICH ORDERED.

“The person serving as the Director of a facility of the Armed Forces Retirement Home; and”.

“(b) Repeal of Obsolete Provisions.—The following provisions are repealed:

(1) Section 1512(f) (24 U.S.C. 412(f)), relating to the applicability of certain eligibility requirements.

(2) Section 1519(d) (24 U.S.C. 419(d)), relating to transitional accounts in the Armed Forces Retirement Home Trust Fund.

(3) Part C, relating to effective date and authorization of appropriations.

(c) Addition of Table of Contents.—Title XV of the National Defense Authorization Act for Fiscal Year 2002 (106 Stat. 1722) is amended by inserting after the heading for such title the following:

“Sec. 1501. Short title.

Sec. 1502. Direction of operating officer.

PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME.

Sec. 1511. Establishment of the Armed Forces Retirement Home.

Sec. 1512. Residents of Retirement Home.

Sec. 1513. Services provided residents.

Sec. 1514. Fees paid by residents.

Sec. 1515. Price of supplies.

Sec. 1516. Local Boards of Trustees.

Sec. 1517. Directors, Deputy Directors, and staff of facilities.

Sec. 1518. Inspection of Retirement Home.

Sec. 1519. Armed Forces Retirement Home Board.

Sec. 1520. Disposition of effects of deceased persons; unclaimed property.

Sec. 1521. Payment of residents for services.

Sec. 1522. Authority to accept certain uncompensated services.

Sec. 1523. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.

PART B—TRANSITIONAL PROVISIONS.

Sec. 1531. Temporary Continuation of Armed Forces Retirement Home Board.

Sec. 1532. Temporary Continuation of In- cumbent Deputy Directors.

A person serving as the Deputy Director of a facility of the Retirement Home—Washington, may not continue under this section after December 31, 2002.

Sec. 1533. Temporary Continuation of Incumbent Deputy Directors.

“Part B is amended by adding at the end the following new subparagraph:

“(A) A retired officer ordered to active duty for a period of 60 days or less.

“(B) A general or flag officer who is assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered.”

Subtitle E—Other Matters

SEC. 1061. REQUIREMENT TO CONDUCT CERTAIN PREVIOUSLY AUTHORIZED EDUCATIONAL PROGRAMS FOR CHILDREN AND YOUTH.

(a) National Guard Challenge Program.—Section 301(b) of title 32, United States Code, is amended—

(1) by striking “Secretary” and inserting “The Secretary of Defense”;

(2) by striking “Secretary” and inserting “The Secretary of Defense shall;”

(b) STAR Base Program.—Section 219(f) of title 10, United States Code, is amended by striking “The Secretary of Defense” and inserting “The Secretary of Defense shall”.

SEC. 1062. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT PREVIOUSLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) Prohibition.—It is unlawful for any person to possess significant military equipment formerly owned by the Department of Defense unless—

(1) the military equipment has been demilitarized in accordance with standards prescribed by the Secretary of Defense;

(2) the person is in possession of the military equipment for the purpose of demilitarizing the equipment pursuant to a Federal Government contract; or

(3) the person is specifically authorized by law or regulation to possess the military equipment.

(b) Referral to Attorney General.—The Secretary of Defense shall notify the Attorney General of any potential violation of subsection (a) of which the Secretary becomes aware.

(c) Authority To Require Demilitarization.—(1) The Attorney General may require any person who, in violation of subsection (a), is in possession of significant military equipment formerly owned by the Department of Defense—

(A) to demilitarize the equipment;

(B) to have the equipment demilitarized by a third party;''

(2) A person may not possess or use equipment that has not been demilitarized unless—

(A) the Attorney General has notified the person to cease possession or use of the equipment; or

(B) the person has been granted a permit by the Attorney General to possess or use the equipment.''

4.20.302 Demilitarization of Significant Military Equipment. This section shall be referred to the Office of the Secretary of Defense.
Government for demilitarization as required under paragraph (1) within a reasonable period after the Attorney General notifies the person in possession of the equipment of the requirement. The Attorney General shall request that a court of the United States issue a warrant authorizing the seizure of the military equipment in the same manner as that described in paragraph (a). If the court determines that there is probable cause to believe that the person is in possession of significant military equipment in violation of this section (a), the court shall issue a warrant authorizing the seizure of such equipment.

(d) Demilitarization of Equipment.—(1) The Attorney General shall transfer any military equipment returned to the Federal Government or seized pursuant to subsection (c) to the Department of Defense for demilitarization.

(2) If the person in possession of significant military equipment obtained the equipment in accordance with any other provision of law, the Secretary of Defense shall bear all costs of transportation and demilitarization of the equipment and shall either—

(A) return the equipment to the person upon completion of demilitarization; or

(B) reimburse the person for the cost incurred by that person to acquire the equipment if the Secretary of Defense determines that the cost to demilitarize and return the property to the person would be prohibitive.

(e) Establishment of Demilitarization Standards.—(1) The Secretary of Defense shall prescribe regulations regarding the demilitarization of military equipment.

(2) The regulations shall be designed to ensure that—

(A) the equipment, after demilitarization, does not constitute a significant risk to public safety and does not have—

(i) a significant capability for use as a weapon; or

(ii) a uniquely military capability; and

(B) any person from whom private property is taken for public use under this section receives just compensation for the taking of the property.

(3) The regulations shall, at a minimum, define—

(A) the classes of significant military equipment requiring demilitarization before disposal; and

(B) that constitutes demilitarization for each class of significant military equipment.

(f) Definition of Significant Military Equipment.—In this section, the term ‘significant military equipment’ means equipment that has a capability described in clause (i) or (ii) of subsection (e)(2) and—

(1) is a defense article listed on the United Nations Munitions List maintained under section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2781);  or

(2) by adding at the end the following:

(3) if—

(A) the equipment, after demilitarization, does not constitute a significant risk to public safety and does not have—

(i) a significant capability for use as a weapon; or

(ii) a uniquely military capability; and

(B) the Secretary of Defense designates the equipment as meeting the same terms as those offered to the general public and at no additional cost to the Government.

(g) Applicability to Executive Branch Only.—Subsection (c) applies only to travel that is at the expense of the executive branch; and

(h) does not apply to travel by any officer, employee, or any other individual traveling at Government expense who receives a promotional item (including frequent flyer miles, upgrades, or access to carrier clubs or facilities) as a result of using travel or transportation services of the foreign service, member of a uniformed service who performs slave labor during World War II.

(i) Relationship to Other Payments.—Any amount paid a person under this section for activity described in subsection (b) is in addition to any other amount paid such person for such activity under any other provision of law.

SEC. 1065. Retention of Travel Promotional Items.

(a) In General.—To the extent provided in subsection (b), a Federal employee, member of a uniformed service, any family member or dependent of such an employee or member, or other individual traveling at Government expense who receives a promotional item (including frequent flyer miles, upgrades, or access to carrier clubs or facilities) as a result of using travel or transportation services procured by the United States or accepted by the United States under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Government.

(b) Applicability to Executive Branch Only.—Subsection (a) applies only to travel that is at the expense of the executive branch; and

(c) does not apply to travel by any officer, employee, or any other individual traveling at Government expense who receives a promotional item as a result of using travel or transportation services provided by the United States or accepted by the United States under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Government.


(a) In General.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002 and each fiscal year thereafter through 2011, such sums as may be necessary to provide the following:

(1) Appropriation.

(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 renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

SEC. 1067. Small Business Procurement Competition.

(a) Definition of Covered Contracts.—Section 135(4)(a) of the Small Business Act (15 U.S.C. 644(e)) 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 ‘‘(b) Contracting goals—’’ and inserting the following:

(a) In General.—In the case of a contract under this section, the contracting officer shall:

(b) Contracting Goals—"(i) in general.—A contract award under this paragraph to a team that is comprised entirely of small businesses shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

(c) Appropriation Test.—The ownership of the small business that conducts the performance of the work in a contract awarded to a team described in clause (i) shall determine the category of award for purposes of meeting the contracting goals of the contracting agency.

‘‘(ii) applicability.—This section shall apply only if the category of award is a small business contract award.”
fulfill the procurement needs of Federal agencies; 
(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns; 
(C) to engage in outreach to small business–only joint ventures for Federal agency procurement purposes; and 
(D) to submit to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business–only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business–only joint ventures, and shall make the database available to each Federal agency and to small business concerns interested in the formation of small business–only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business–only joint ventures may participate under the Program.

SEC. 1069. CHEMICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEFENSE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(b) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military and civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b)SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

SEC. 1070. AUTHORIZATION OF THE SALE OF GOODS AND SERVICES BY THE NAVAL MAGAZINE, INDIAN ISLAND.

The Secretary of the Navy may sell to a person outside the Department of Defense, for a price equal to the actual cost of production and handling of the goods and services, any goods or services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source: Provided, That a sale pursuant to this section shall conform to the requirements of section 2563 (c) and (d) of title 10, United States Code: Provided further, That all proceeds from the sale of goods and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

SEC. 1071. ASSISTANCE FOR FIREFIGHTERS.

(a) PLAN.—The Secretary of the Navy shall, after the date of this Act, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

(1) procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate nonofficial civilian guests,

(2) guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

(3) guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels,

(4) guidelines to ensure that proper standard operating procedures are not hindered by activities related to casual guests and the embarkation of nonofficial guests,

(5) any other guidelines or procedures the Secretary shall consider necessary or appropriate.

(b) SENSE OF CONGRESS.—For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness and safety operation of Navy vessels. It does not include civilians conducting official business.

SEC. 1072. MODERNIZING AND ENHANCING MISSILE WING HELICOPTER SUPPORT—STUDY AND PLAN.

(a) REPORT AND RECOMMENDATIONS.—With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary’s recommendations and options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) OPTIONS.—Options to be reviewed include—

(1) the Air Force’s current plan for replacement or modernization of UH-1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH-1N helicopters currently flown by the Air Force with UH-60 Black Hawk helicopters, the UH-1Y, or another platform;
(3) replacement of UH-1N helicopters with UH-60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command National Guard plan, "AFSC Helicopter Support to Air Force Space Command";

(4) replacement of UH-1N helicopters with UH-60 helicopters and transition of the mission to the Army National Guard personnel; and

(5) other options as the Secretary deems appropriate.

(c) FACTORS.—Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) cost, with particular attention to opportunities to realize efficiencies over the long run;

(3) implications for personnel training and retention; and

(4) the assumptions used in the plan specified in subsection (b)(4).

(d) CONSIDERATION.—The Secretary shall consider carefully the views of the Secretary of the Air Force, of the Air Force Space Command in Chief in the United States Strategic Command, and the Chiefs of the National Guard Bureau.


(a) FINDINGS.—The Senate finds that—

(1) a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

(2) the American people have responded with incredible acts of heroism, kindness, and generosity;

(3) the American people have responded with incredible acts of heroism, kindness, and generosity;

(4) the volunteering of volunteers, blood donors, and contributions of food and money demonstrate that America will unite to provide relief to the victims of these cowardly terrorist acts;

(5) the American people stand together to resist all attempts to steal their freedom; and

(6) united, Americans will be victorious over their enemies, whether known or unknown.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as "Unity Bonds", in response to the terrorist attacks against the United States on September 11, 2001;

(b) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

(1) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during periods of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.."

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SECTION 1101. AUTHORITY TO INCREASE MAXIMUM NUMBER OF POSITIONS IN THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

(b) Section 1606(a) of title 10, United States Code, is amended by striking "517", and inserting the following: "517, except that the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during periods of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.."

(b) Waiver of Vehicle Weight Limits during Periods of National Emergency.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

(1) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during periods of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.

TITLE XII—DEPARTMENT OF DEFENSE FUND INSTRUMENTALITY SERVICE.

Subtitle A—Defense Mapping Agency

SECTION 1202. CONTINUED APPLICABILITY OF CERTAIN CIVIL SERVICE PROTECTIONS FOR EMPLOYEES INTEGRATED INTO THE NATIONAL IMAGERY AND MAPPING AGENCY FROM THE DEFENSE MAPPING AGENCY.

(b) Section 1612(b) of title 10, United States Code, is amended by striking at the end the following new paragraph:

(4) if not otherwise applicable to an employee described in subparagraph (B), such chapter II and IV of chapter 72 of title 5 shall continue to apply to the employee for as long as the employee serves on and after October 1, 1996, without a break in service, as an employee of the Department of Defense in any position, or successively in two or more positions, in the National Imagery and Mapping Agency.

(2) This paragraph applies to a person who—

(a) on September 30, 1996, was employed as an employee of the Department of Defense in a position in the Defense Mapping Agency to whom subchapters II and IV of title 5 applied;

(b) on October 1, 1996, became an employee of the National Imagery and Mapping Agency under paragraph 1601(a) of this title;

Subtitle B—Matters Relating to Retirement

SECTION 1111. FEDERAL EMPLOYMENT RETIREMENT CREDIT FOR NONAPPROPRIATED FUND INSTRUMENTALITY SERVICE.

(a) Civil Service Retirement System.—(1) Section 8322(b) of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (15); and

(2) by inserting after the period at the end of paragraph (16) and inserting "; and";

(b) by inserting after paragraph (16) the following new paragraph:

(3) the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during periods of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SECTION 1101. AUTHORITY TO INCREASE MAXIMUM NUMBER OF POSITIONS IN THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

(b) Section 1606(a) of title 10, United States Code, is amended by striking "517", and inserting the following: "517, except that the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during periods of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.

SECTION 1102. CONTINUED APPLICABILITY OF CERTAIN CIVIL SERVICE PROTECTIONS FOR EMPLOYEES INTEGRATED INTO THE NATIONAL IMAGERY AND MAPPING AGENCY FROM THE DEFENSE MAPPING AGENCY.

(b) Section 1612(b) of title 10, United States Code, is amended by striking at the end the following new paragraph:

(4)(A) If not otherwise applicable to an employee described in subparagraph (B), such chapter II and IV of chapter 72 of title 5 shall continue to apply to the employee for as long as the employee serves on and after October 1, 1996, without a break in service, as an employee of the Department of Defense in any position, or successively in two or more positions, in the National Imagery and Mapping Agency.

(2) This paragraph applies to a person who—

(a) on September 30, 1996, was employed as an employee of the Department of Defense in a position in the Defense Mapping Agency to whom subchapters II and IV of title 5 applied;

(b) on October 1, 1996, became an employee of the National Imagery and Mapping Agency under paragraph 1601(a) of this title;

(c) by striking "and" at the end of paragraph (15); and

(d) by inserting after the period at the end of paragraph (16) and inserting "; and";

(e) by inserting after paragraph (16) the following new paragraph:

(5) Other Options as the Secretary deems appropriate.

(d) CONSIDERATION.—The Secretary shall consider carefully the views of the Secretary of the Air Force, of the Air Force Space Command in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.
chapter, the certification of the head of a nonappropriated fund instrumentality of the United States concerning service of the type described in subsection (b)(6) that was performed by such nonappropriated fund instrumentality.

(2) Service credited under subsection (b)(6) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.

(2)(A) Section 8422 of such title is amended by adding at the end the following new sub-

section:

''(g) No deposit may be made with respect to service credited under section 8411(b)(6) of this title.''.

(B) The heading for such section is amend-
ed to read as follows:

''§ 8422. Deductions from pay; contributions for other service''.

(C) The item relating to such section in the table of contents at the beginning of chapter 84 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service.''.

(3) Section 8415 of such title is amended by adding at the end the following new sub-

section:

''(j) The annuity of an employee retiring under this chapter with service credited under section 8411(b)(6) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee under this sub-
chapter if it were computed on the basis of service that does not include service credited under section 8411(b)(6) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administra-
tion of this subchapter.''.

(c) APPLICABILITY.—The amendments made by this section shall apply only to separa-
tions from service as an employee of the United States on or after the date of the en-
actment of this Act.

SEC. 1112. IMPROVED PORTABILITY OF RETIRE-
MENT OF THIS SUBSECTION.''.

Section 1152(b) of the Floyd D. Spence Na-
tional Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-325) is amended—

(1) in paragraph (1), by striking ''Subject to paragraph (2),' the and inserting ''The';

(2) by striking subparagraph (B); and

(3) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

Subtitle C—Other Matters

SEC. 1121. HOUSING ALLOWANCE FOR THE CHAP-
LAIN OF THE DEPARTMENT OF DEFENSE.''.

Section 4367 of title 10, United States Code, is amended by striking the second sentence and inserting the following: The chaplain is entitled to a housing allowance equal to the basic allowance for housing that is applica-
ble for an officer in pay grade O-5 at the Academy under section 403 of title 37, and to fuel and light for quarters in kind.

SEC. 1122. STUDY OF ADEQUACY OF COMPENSA-
TION PROVIDED FOR TEACHERS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS SCHOOLS.

(a) REQUIREMENT FOR STUDY.—The Com-
troller General shall carry out a study of the adequacy of the pay and other elements of the compensation provided for teachers in the defense education system est-

(b) SPECIFIC CONSIDERATIONS.—In carrying out out the study, the Comptroller General shall consider the following issues:

(1) Whether the compensation is adequate for recruiting and retaining high quality teachers.

(2) Whether any revision of the Defense De-

partment Overseas Teachers Pay and Per-

sonnel Practices Act (20 U.S.C. 901 et seq) or the regulations under that Act is advisable to address any problems identified with re-

spect to the recruitment and retention of high quality teachers for or other purposes.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than March 1, 2002. The report shall contain the following:

(1) The Comptroller General's conclusions on the issues considered.

(2) Any recommendations for actions that the Comptroller General considers appro-

riate.

SEC. 1123. PILOT PROGRAM FOR PAYMENT OF RE-
TRAINING INCENTIVES INCURRED BY EMPLOYERS OF PERSONS INVOLV-
INSONARLY SEPARATED FROM EMPLOY-
MENT BY THE DEPARTMENT OF DE-
FENSE.

(a) AUTHORITY.—The Secretary of Defense may carry out a pilot program in accordance with this section to facilitate the reemploy-
ment of employees of the Department of De-

fense who are being separated as described in subsection (b) by providing employers out-

side the Federal Government with retraining incentive payments to encourage those em-

ployers to hire, train, and retain such em-

ployees.

(b) COVERED EMPLOYEES.—A retraining in-

centive payment under sub-

section (c) with respect to a person who—

(1) has been involuntarily separated from employment by the United States due to—

(A) a redundancy (within the mean-

ing of chapter 35 of title 5, United States Code); or

(B) a relocation resulting from a transfer of functions implemented under section 3503 of title 5, United States Code), realign-

ment, change of duty station; and

(2) when separated—

(A) was employed without time limitation in a position in the Department of Defense; and

(B) had been employed in such position for at least one year and was not employed by the Depart-

ment of Defense for a continuous period of at least one year;

(C) was not a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or an-

other retirement system for employees of the Federal Government;

(D) was not eligible for disability retire-

ment under any of the retirement systems referred to in subparagraph (C); and

(E) RETRAINING INCENTIVE.—(1) Under the pilot program, the Secretary may pay a re-

training incentive to any person outside the Federal Government that, pursuant to an agree-

ment entered into under subsection (d), employs a former employee of the United States referred to in subsection (b).

(2) For employment of a former employee that is continuous for one year, the amount of any retraining incentive paid to the em-

ployer under paragraph (1) shall be the lesser of—

(A) the amount equal to the total cost in-
curred by the employer for any necessary training provided to the former employee in connection with the employment of that em-

ployer, as determined by the Secretary taking into consideration a certification by the employer under subsection (d); or

(B) $10,000.

(3) For employment of a former employee that terminates within one year after the employment begins, the amount of any re-

training incentive paid to the em-

ployer under paragraph (1) shall be equal to the amount that bears the same ratio to the amount computed under paragraph (2) as the period of continuous employment of the em-

ployee by that employer bears to one year.

(4) The cost of the training of a former em-

ployee of the United States for which a re-

training incentive is paid is to be consid-

ered a cost of training that is continuous for one year.

(c) APPLICABILITY.—The amendments made by this section shall apply only to separa-
tions from service as an employee of the United States on or after the date of the en-
actment of this Act.

(1) by inserting ''and'' at the end of sub-

paragraph (A); (B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking ''个百分点''; and

(B) by striking ''. and all that follows through such system''.

October 3, 2001
SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) OVERVIEW OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency if the term that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection."

SEC. 1125. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) Authority To Exempt.—Chapter 81 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

"(a) Authority To Exempt.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, to the extent that such provisions (sections 3301, 3321, and 3328 of such title) individually establishes an individual who has not received a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

"(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

(1) Physician.
(2) Dentist.
(3) Podiatrist.
(4) Optometrist.
(5) Pharmacist.
(6) Nurse.
(7) Physician assistant.
(8) Audiologist.
(9) Expanded-function dental auxiliary.
(10) Dental hygienist.
(11) Expended-function dental auxiliary.

(c) EXPENDitures.—In this section, the term "expenses" means the expenses of the activities of this Act, Cooperative Threat Reduction programs, or Cooperative Threat Reduction funds.

(d) LIMITATION.—Nothing in this section shall be deemed to authorize the appointment of any person under this section, if the Secretary has been—

(1) notified of any criminal conviction or adjudication of delinquency of the person in question for a criminal offense described in section 924(a) (other than section 924(a)(3)) of title 18, United States Code, for a period of at least 7 years after the date of such conviction or adjudication of delinquency; or

(2) notified of any serious violation of a Federal or State law for a period of at least 3 years after the date of such violation.

SEC. 1126. PROFESSIONAL CREDENTIALS.

Title 33 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following new section:

"§ 5758. Expenses for credentials.

"(a) IN GENERAL.—Chapter 81 of title 5, United States Code, is amended by adding at the end the following new paragraph (4):

"(4) Dental hygienist.

"(5) Expanded-function dental auxiliary.

"(6) Physician assistant.

"(7) Physician assistant.

"(8) Physician assistant.

"(9) Physician assistant.

"(10) Physician assistant.

"(11) Physician assistant.

"(b) Technical and Conforming Amendments.—The tables of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5758. Expenses for credentials.

"TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Cooperative Threat Reduction With States of the Former Soviet Union

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.


(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. 1202. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $8,535,000,000 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, $133,455,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For weapons of mass destruction infrastructure elimination in Ukraine, $6,024,000.

(4) For weapons of mass destruction infrastructure elimination in Kazakhstan, $6,000,000.

(5) For weapons transportation security in Russia, $9,500,000.

(6) For weapons storage security in Russia, $56,000,000.

(7) For implementation of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $41,700,000.

(8) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(9) For chemical weapons destruction in Russia, $50,000,000.

(b) Limitation.—Nothing in this section shall be deemed to authorize the use of any of the funds appropriated for fiscal year 2002 for any purpose other than the purpose specified in paragraph (1) of this subsection.

(c) Certification.—No funds may be obligated for a purpose for which the obligation or expenditure of any of the funds appropriated for fiscal year 2002 for any purpose other than the purpose specified in paragraph (1) of this subsection is prohibited under this title or any other provision of law.

SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

SEC. 1204. MANAGEMENT OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Authority Over Management.—The Secretary of Defense shall have authority, direction, and control over the management of Cooperative Threat Reduction programs and the funds for such programs.

(b) Implementing Agent.—The Secretary of Defense may designate an implementing agent for the purposes specified in paragraphs (9) through (11) of this section.
SEC. 1211. 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 1508 of title 10, United States Code, is amended—

(1) by inserting ‘‘1’’ after ‘‘(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS—’’;

(B) by striking ‘‘major allies of the United States’’ and inserting ‘‘countries or organizations referred to in subsection (a)(2)’’;

(C) by striking ‘‘countries or organizations referred to in subsection (a)(2)’’; and

(D) by striking ‘‘countries or organizations referred to in subsection (a)(2)’’.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of title 10, United States Code, is amended—

(A) by striking ‘‘2001’’ and inserting ‘‘2002’’.

(c) RETENTION OF FUNDS COLLECTED BY THE UNITED STATES.—Amounts collected from the user of a range or other facility of the United States under a memorandum of understanding or other formal agreement entered into under subsection (a) shall be deposited into the appropriation from which the costs incurred by the United States in providing support for the use of the range or other facility by that user were paid.

SEC. 1212. INTERNATIONAL COOPERATIVE AGREEMENTS ON USE OF RANGES AND OTHER FACILITIES FOR TESTING OF DEFENSE EQUIPMENT.

(a) AUTHORITY.—Chapter 138 of title 10, United States Code, is amended—

(1) by striking ‘‘2350a. Cooperative research and development agreements: NATO and foreign countries’’; and

(2) by striking paragraphs (1) and (4) of subsection (f), and by transferring that paragraph, as so redesignated, within that subsection and inserting the paragraph after paragraph (1).

(b) PAYMENT OF COSTS.—A memorandum of understanding or other formal agreement entered into under subsection (a) shall include provisions for charging a user of a range or other facility for test and evaluation services furnished by the official, employee, or governmental agency of the supplying country or international organization under the memorandum or other agreement. The provisions for charging a user shall conform to the following pricing principles:

(1) The user shall be charged the amount equal to the direct costs incurred by the country or international organization to supply the services.

(2) The user may also be charged indirect costs of the use of the range or other facility, but only to the extent specified in the memorandum or other agreement.

SEC. 1213. INTERNATIONAL COOPERATIVE AGREEMENTS ON USE OF RANGES AND OTHER FACILITIES FOR TESTING OF DEFENSE EQUIPMENT.

(a) AUTHORITY.—Chapter 138 of title 10, United States Code, is amended—

(1) by inserting ‘‘2350l. Cooperative use of ranges and other facilities: agreements with foreign countries and international organizations’’; and

(2) by striking ‘‘country’s or organization’s’’. 
SEC. 1214. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) REDesignation of Existing Authority.—(1) Section 2555 of title 10, United States Code, as added by section 1258 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 of that title.

(b) Amendments.—(1) In section 2(a), at the beginning of chapter 152 of that title is amended by striking the item relating to section 2555, as so added, and inserting the following new item: "2565. Nuclear test monitoring equipment: furnishing to foreign governments.".

(c) Clarification of Authority.—Section 2565 of that title, as so redesignated by subsection (a), is further amended—

(1) in subsection (a)—

(A) by striking "Convey or" in the subsection heading and inserting "Transfer Title to or";

(B) in paragraph (1)—

(i) by striking "and" in the paragraph heading and inserting "and transferring title to"; and

(ii) by striking "and" at the end;

(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.";

(2) in subsection (b)—

(A) by striking "Conveyed" in the subsection heading and inserting "provided";

(B) by inserting "and" at the end of paragraph (1); and

(C) by striking "; and" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1215. PARTICIPATION OF GOVERNMENT CONTRACTORS IN CHEMICAL WEAPONS INSPECTIONS AT UNITED STATES GOVERNMENT FACILITIES UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) Authority.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6733(b)(2)) is amended by inserting after "designating of employees by the Federal Government" the following: "(and, in the case of an inspection of a United States Government facility, the designation of contractor personnel who shall be designated by an employee of the Federal Government)".

(b) Credentials.—Section 303(c) of such Act (22 U.S.C. 6733(c)) is amended by striking "Federal Government" and inserting "Federal Government (and, in the case of an inspection of a United States Government facility, any accompanying contractor personnel)".

SEC. 1216. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Transfers by Grant.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) Poland.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(2) Turkey.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigate KONYA (FFG 12), CALLAGHAN (DDG 977), MCCANDLESS (FFG 13), and CHANDLER (DDG 996).

(b) Transfers by Sale.—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) Taiwan.—To the Taipei Economic and Cultural Representative Office in the United States, the Taiwan Defense Articles (which are personal service contracts with individuals designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 963), CALLAGHAN (DDG 977), MCCANDLESS (DDG 996), and CHANDLER (DDG 996).

(2) Turkey.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigate KONYA (FFG 12), CALLAGHAN (DDG 977), and CHANDLER (DDG 996).

(c) Additional Congressional Notification Not Required.—Except as provided in subsections (a) and (b), transfer of a vessel authorized by this section shall not apply with respect to transfers authorized by this section:

(1) Section 516(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)).

(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2001 (as enacted by Public Law 106–429; 114 Stat. 2000A–39) and any similar successor provision.

(3) Grants Not Counted in Annual Total on Transferred Excess Defense Articles.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(A) by striking paragraph (3).

(B) by inserting "and" at the end of paragraph (1);

(C) by striking the period at the end of subsection (a) and inserting the following new subsection:

"(3) Inspect, test, maintain, repair, or replace any such equipment.";

(c) Costs of Transfers on Grant Basis.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j)) upon such vessel, unless the country to which the vessel is transferred have such repair or replacement facilities.

(d) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the vessel be transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, transferred in a shipyard located in the United States, including a United States navy shipyard.

(e) Expiration of Authority.—The authority under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended at the end of the section by the following new subsection:

"U:(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers Participation Resolution in lieu of providing such support through a logistical support unit composed 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 to the President determines that such action enhances or supports the national security interests of the United States, the Taiwan Defense Articles shall be amended by adding at the end the following:

"(c) exercise the authority provided in subsection (b), on the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into any contract with any individual or other entity to perform any or all of the services specified under section 1214 with respect to transfers authorized by that section.

SEC. 1218. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABOUND.

Section 1 of the Foreign Agriculture Basic Services Act of 1956 (22 U.S.C. 2669) is amended by striking the second sentence.
by the Concurrent Resolution on the Budget for Fiscal Year 2002, the reductions under section 1302 shall not be made.

If the total amount of new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in subsection (a) by less than $18,448,601,000 over the amount of the new budget authority allocated or available for that category for fiscal year 2001 by the Concurrent Resolution on the Budget for Fiscal Year 2002, each of the total amounts referred to in section 1302 shall be reduced by a proportionate amount of the difference between $18,448,601,000 and the amount of the increase in the allocated new budget authority.

SEC. 1302. REDUCTIONS.

Until such time as the amount of the new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in section 1301(a), the total amounts authorized to be appropriated by provisions of this Act are reduced as follows:

(1) For the total amount authorized to be appropriated for procurement by subtitile A of title I, the reduction is $2,100,854,000.

(2) For the total amount authorized to be appropriated for research, development, test and evaluation by section 201, the reduction is $5,053,491,000.

(3) For the total amount authorized to be appropriated for operation and maintenance by section 301, the reduction is $8,737,773,000.

(4) For the total amount authorized to be appropriated for working capital and revolving funds by section 302, the reduction is $1,018,394,000.

(5) For the total amount authorized to be appropriated by division B, the reduction is $348,065,000.

SEC. 1303. REFERENCE TO CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

For the purposes of this title, a reference to the Concurrent Resolution on the Budget for Fiscal Year 2002 is a reference to House Concurrent Resolution 83 (107th Congress, 1st session).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2002”.

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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Armstrong Army Depot</td>
<td>$5,150,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Rucker</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Redstone Arsenal</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Richardson</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Fort Wainwright</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Carson</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort McHenry</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Fort Benning</td>
<td>$23,800,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Benning</td>
<td>$34,600,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Gillem</td>
<td>$54,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Gordon</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$99,800,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Navy Public Works Center, Pearl Harbor</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Pahokee Training Facility</td>
<td>$6,600,000</td>
</tr>
<tr>
<td>New York</td>
<td>Wheeler Army Air Field</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Rock Island Arsenal</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Fort Riley</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Campbell</td>
<td>$88,800,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Fort Knox</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Fort Polk</td>
<td>$21,200,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Aberdeen Proving Ground</td>
<td>$58,300,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Fort Meade</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Drum</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Monroe</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Bragg</td>
<td>$21,300,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$1,279,500,000</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Base Support Group, Bamberg</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Base Support Group, Darmstadt</td>
<td>$33,500,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Hanau</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Heidelberg</td>
<td>$15,300,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Mannheim</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Vieshagen Air Base</td>
<td>$26,300,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Carroll</td>
<td>$16,590,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Casey</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Hohen</td>
<td>$35,750,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Humphreys</td>
<td>$14,500,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Jackson</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Camp Stanley</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kiewaline Abi</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Total</td>
<td>$243,743,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Camp Carroll</td>
<td>$16,590,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Casey</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Hohen</td>
<td>$35,750,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$14,500,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Jackson</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Stanley</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kiewaline Abi</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Total</td>
<td>$243,743,000</td>
</tr>
</tbody>
</table>
(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), 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:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified Worldwide</td>
<td></td>
<td></td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>State or county</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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 $12,702,000.

**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 $3,068,305,000, as follows:

1. For military construction projects inside the United States authorized by section 2101(a), $1,027,300,000.
2. For military construction projects outside the United States authorized by section 2101(b), $243,743,000.
3. For military construction projects at unspecified worldwide locations 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, $142,100,000.
6. For military family housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $313,852,000.
   (B) For support of military family housing (including the functions described in section 2853 of title 10, United States Code), $1,108,991,000.
7. For the Homeowners Assistance Program, as authorized by section 2892 of title 10, United States Code, $10,119,000, to remain available until expended.
8. For the construction of the Cadet Development Center, United States Military Academy, West Point, New York, authorized in 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), $41,000,000.
10. For the construction of a Barracks Complex at all Projects carried out 1C, Schofield Barracks, Hawaii, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 824), $23,000,000.
15. For the construction of a Multipurpose Digital Training Range, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $27,000,000.
(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 2101 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) $52,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex D Street Phase at Fort Richardson, Alaska).
   (3) $41,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—Nelson Boulevard (Phase I) at Fort Carson, Colorado).
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 220h(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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$2,570,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Air-Task Force Training Center, Twentynine Palms</td>
<td>$75,125,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Marine Corps Air Station, Camp Pendleton</td>
<td>$4,470,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$69,450,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Facility, El Centro</td>
<td>$23,520,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Station, Lemoore</td>
<td>$10,010,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Warfare Center, Point Magu, San Nicolas Island</td>
<td>$13,730,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Amphibious Base, Conoy</td>
<td>$8,810,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Construction Battalion Center, Port Hueneme</td>
<td>$12,400,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Construction Training Center, Port Hueneme</td>
<td>$3,780,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Station, San Diego</td>
<td>$47,240,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Naval Air Facility, Washington</td>
<td>$9,810,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Key West</td>
<td>$11,480,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Pensacola</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$2,140,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Station, Pearl Harbor</td>
<td>$46,450,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Magazine, Lualualei</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Training Center, Pearl Harbor</td>
<td>$8,260,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Navy Public Works Center, Pearl Harbor</td>
<td>$9,820,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Air Station, Brunswick</td>
<td>$67,395,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Shipyard, Kittery-Portsmouth</td>
<td>$14,620,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Air Station, Charleston, State</td>
<td>$2,560,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Air Station, Pensacola, Florida, Florida</td>
<td>$3,790,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Station, Meridian</td>
<td>$3,370,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Station, Pensacola, Florida, Florida</td>
<td>$4,680,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Marine Corps Support Activity, Kansas City</td>
<td>$9,010,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Naval Air Station, Fallon</td>
<td>$6,150,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Weapons Station, Earle</td>
<td>$3,370,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, New River</td>
<td>$4,250,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$67,870,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Station, Newport</td>
<td>$15,290,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$9,370,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Beaufort</td>
<td>$82,050,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Recruit Depot, Parris Island</td>
<td>$5,430,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Support Activity, Millington</td>
<td>$3,080,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Air Station, Kingsville</td>
<td>$6,160,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Facility, Quantico</td>
<td>$3,790,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Combat Development Command, Quantico</td>
<td>$9,390,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Station, Norfolk</td>
<td>$139,270,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Air Station, Whidbey Island</td>
<td>$7,370,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Station, Everett</td>
<td>$6,820,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Strategic Weapons Facility, Bangor</td>
<td>$3,900,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$476,610,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 220h(a)(2), the Secretary of the Navy 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>Naval Support Activity Joint Headquarters Command, Lianessa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Support Activity, Souda Bay</td>
<td>$3,210,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Station, Guam</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Weapons Station, Quantico</td>
<td>$134,800,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Naval Air Station, Keflavik</td>
<td>$2,820,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Siganella</td>
<td>$3,060,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Station, Rota</td>
<td>$2,240,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$47,670,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 220h(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:

<table>
<thead>
<tr>
<th>State or country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>51 Units</td>
<td>$9,017,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Marine Air-Task Force Training Center, Twentynine Palms</td>
<td>74 Units</td>
<td>$16,250,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base, Kaneohe</td>
<td>177 Units</td>
<td>$55,187,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Station, Pearl Harbor</td>
<td>70 Units</td>
<td>$16,827,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Construction Battalion Center, Gulfport</td>
<td>140 Units</td>
<td>$23,590,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Air Station, Sigonella</td>
<td>10 Units</td>
<td>$7,403,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$123,038,000</td>
</tr>
</tbody>
</table>
(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 $183,054,000.

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 $2,377,634,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $963,370,000.

(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, $33,752,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning, and design, and improvement of military family housing and facilities, $312,591,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $918,095,000.


(9) For construction of an Advanced Systems Integration Facility, phase 6, at Naval Air Warfare Center, Patuxent River, Maryland, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–494; 106 Stat. 2591); $10,770,000.

(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 authorized to be appropriated under paragraphs (1) and (2) of section 2802 (a); and

(2) the total in the amount column and inserting "$11,930,000" in the amount column and inserting "$1,930,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$20,230,000".

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### TABLE XXIII—AIR FORCE

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$34,400,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Lackland Air Force Base</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmore Air Force Base</td>
<td>$32,200,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Davis-Month Air Force Base</td>
<td>$17,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$16,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Los Angeles Air Force Base</td>
<td>$23,200,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Travis Air Force Base</td>
<td>$16,400,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Vandenberg Air Force Base</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Buckley Air Force Base</td>
<td>$25,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Sheppard Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>United States Air Force Academy</td>
<td>$25,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Dorr Air Force Base</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Boeing Air Force Base</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Cape Canaveral Air Force Station</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Eglin Air Force Base</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Hurlburt Field</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>MacDill Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Topp Air Force Base</td>
<td>$15,550,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Moody Air Force Base</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Robins Air Force Base</td>
<td>$14,500,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Mountain Home Air Force Base</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Barksdale Air Force Base</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$19,420,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Columbus Air Force Base</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Keester Air Force Base</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Malcolm Air Force Base</td>
<td>$4,650,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Offutt Air Force Base</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$31,400,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Kirtland Air Force Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Pope Air Force Base</td>
<td>$17,800,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Grand Forks Air Force Base</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Wright Patterson Air Force Base</td>
<td>$24,850,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$20,200,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$21,400,000</td>
</tr>
</tbody>
</table>
(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(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:

<table>
<thead>
<tr>
<th>State or country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Lake Air Force Base</td>
<td>110 Units</td>
<td>$15,712,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>118 Units</td>
<td>$18,150,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>110 Units</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>110 Units</td>
<td>$13,700,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Rockville Air Force Base</td>
<td>110 Units</td>
<td>$25,300,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>110 Units</td>
<td>$25,300,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>56 Units</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>78 Units</td>
<td>$13,700,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>64 Units</td>
<td>$13,700,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>64 Units</td>
<td>$13,700,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$140,109,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(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)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $375,379,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS.

(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 $2,587,791,000, as follows:

1. For military construction projects inside the United States authorized by section 2301(a), $816,070,000.
2. For military construction projects outside the United States authorized by section 2301(b), $257,395,000.
3. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.
4. For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.
5. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,419,000.
6. For military housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $542,381,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $669,121,000.
7. For capital outlay in support of military family housing and facilities, $542,381,000.

(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 2801 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).
(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by \$35,300,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.


### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Laurel Bay, South Carolina</td>
<td>$12,850,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$8,857,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot Tracey, California</td>
<td>$19,390,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot, Sussex, Delaware, New Cumberland, Pennsylvania</td>
<td>$8,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir, Virginia</td>
<td>$900,000</td>
</tr>
<tr>
<td></td>
<td>Grand Forks Air Force Base, North Dakota</td>
<td>$9,110,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$29,200,000</td>
</tr>
<tr>
<td></td>
<td>McGuire Air Force Base, New Jersey</td>
<td>$4,400,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base, North Dakota</td>
<td>$14,000,000</td>
</tr>
<tr>
<td></td>
<td>Philadelphia, Pennsylvania</td>
<td>$2,429,000</td>
</tr>
<tr>
<td></td>
<td>Pope Air Force Base, North Carolina</td>
<td>$3,400,000</td>
</tr>
<tr>
<td></td>
<td>Aberdeen Proving Ground, Maryland</td>
<td>$3,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$33,562,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lewis, Washington</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$13,400,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base, Florida</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego, California</td>
<td>$13,650,000</td>
</tr>
<tr>
<td></td>
<td>CONUS Classified</td>
<td>$2,400,000</td>
</tr>
<tr>
<td></td>
<td>Andrews Air Force Base, Maryland</td>
<td>$10,250,000</td>
</tr>
<tr>
<td></td>
<td>Dyess Air Force Base, Texas</td>
<td>$3,300,000</td>
</tr>
<tr>
<td></td>
<td>F.E. Warren Air Force Base, Wyoming</td>
<td>$2,700,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood, Texas</td>
<td>$12,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field, Georgia</td>
<td>$11,000,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base, New Mexico</td>
<td>$5,700,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$8,800,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton, California</td>
<td>$15,100,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Logistics Base, Albany, Georgia</td>
<td>$5,800,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whidbey Island, Washington</td>
<td>$6,600,000</td>
</tr>
<tr>
<td></td>
<td>Naval Hospital, Twentynine Palms, California</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport, Florida</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk, Virginia</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Schriever Air Force Base, Colorado</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon Reservation, Virginia</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

**Total:** $91,308,000

(b) OUTSIDE 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 outside the United States, and in the amounts, set forth in the following table:

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Aviano Air Base, Italy</td>
<td>$3,647,000</td>
</tr>
<tr>
<td></td>
<td>Gelnicken, Germany</td>
<td>$1,733,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$3,212,000</td>
</tr>
<tr>
<td></td>
<td>Kaiserslautern, Germany</td>
<td>$1,459,000</td>
</tr>
<tr>
<td></td>
<td>Kitzingen, Germany</td>
<td>$1,394,000</td>
</tr>
<tr>
<td></td>
<td>Landstuhl, Germany</td>
<td>$1,444,000</td>
</tr>
<tr>
<td></td>
<td>Ramstein Air Base, Germany</td>
<td>$2,814,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force, Falcons, United Kingdom</td>
<td>$22,132,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweid, Germany</td>
<td>$1,358,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden Air Base, Germany</td>
<td>$1,378,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden, Germany</td>
<td>$2,684,000</td>
</tr>
<tr>
<td></td>
<td>Andrews Air Force Base, Guam</td>
<td>$30,500,000</td>
</tr>
<tr>
<td></td>
<td>Camp Caser, Korea</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota, Spain</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base, Japan</td>
<td>$22,132,000</td>
</tr>
<tr>
<td></td>
<td>Cameron Air Base, El Salvador</td>
<td>$12,377,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$28,000,000</td>
</tr>
<tr>
<td></td>
<td>Lajes Field, Azores, Portugal</td>
<td>$3,750,000</td>
</tr>
<tr>
<td></td>
<td>Thule, Greenland</td>
<td>$10,400,000</td>
</tr>
</tbody>
</table>

**Total:** $140,162,000

### SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

### SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2402(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 \$1,492,956,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$391,308,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$100,162,000.
(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 Department under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and design under section 2807 of title 10, United States Code, $87,382,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.


(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 2368(a)(1) of title 10, United States Code, $2,000,000.


(12) For construction of the Ammunition Demilitarization Facility Phase 4, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), as amended by section 2407 of this Act, $60,000,000.

(13) For construction of the Ammunition Demilitarization Facility Phase 2 Blue Grass Army Depot, Kentucky, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–45; 113 Stat. 839), as amended by section 2006 of this Act, $3,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost limitations authorized by section 2833 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, (c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (8) of subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (8) of subsection (a), reduced by $1,700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing worldwide. Military family housing support outside the United States.

SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.


   (A) by striking the item relating to Marine Corps Base, Camp Pendleton, California, under the heading TRICARE Management Activity; and
   (B) by striking the amount identified as the total in the amount column and inserting “$20,000,000”.

(2) Of the amount authorized to be appropriated by paragraph (1), the Secretary of Defense may—

   (A) by striking the amount identified as $231,230,000; and
   (B) by striking the amount identified as the total in the amount column and inserting “$306,000,000”.

(b) CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.


   (1) in paragraph (2), by striking “$85,095,000” and inserting “$30,095,000”; and
   (2) in paragraph (3), by striking “$85,095,000” and inserting “$30,095,000.”

SEC. 2405. CANCELLATION OF AUTHORITY TO CARRY OUT ADDITIONAL FISCAL YEAR 2001 PROJECT.

(a) CANCELLATION OF AUTHORITY TO CARRY OUT ADDITIONAL FISCAL YEAR 2001 PROJECT.


(b) CONFORMING AMENDMENT.—Section 2401 of that Act is amended—

   (1) in subsection (a)—

      (A) in the matter preceding paragraph (1), by striking “$1,869,902,000” and inserting “$1,829,902,000”;

      (B) in paragraph (2), by striking “$85,095,000” and inserting “$30,995,000”; and

   (2) in subsection (b), by striking “$30,995,000” and inserting “$30,995,000.”

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 ROBOTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–89; 113 Stat. 853) is amended:

   (1) in the item relating to Fort Wainwright, Alaska, by striking “$133,000,000” and inserting “$215,000,000”; and

   (2) by striking the item relating to Naval Air Station, Whidbey Island, Washington, and

   (3) by striking the amount identified as the total in the amount column and inserting “$13,690,000.”

(b) CONFORMING AMENDMENTS.—Section 2405(b) of that Act (113 Stat. 839) is amended—

   (1) in paragraph (2) by striking “$115,000,000” and inserting “$197,000,000”; and

   (2) in paragraph (3), by striking “$194,000,000” and inserting “$231,230,000.”

(c) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS FOR CANCELED PROJECT.—Of the amount authorized to be appropriated by section 2405(a) of the Military Construction Authorization Act for Fiscal Years 1999 and 2000 (division B of Public Law 101–189; 114 Stat. 1654A–404), the Secretary of Defense may—

   (1) in the item under the heading relating to TRICARE Management Activity; and

   (2) by striking the amount identified as the total in the amount column and inserting “$727,610,000.”

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—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. 2189) is amended—

   (1) in the item under the agency heading relating to TRICARE Management Activity; and

   (2) by striking “$306,000,000” and inserting “$158,000,000” and inserting “$195,600,000.”

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

(a) MODIFICATION.—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), and paragraph (1) of that Act, is amended—

   (1) in the table under the heading relating to Defense Base Closure and Realignment Projects relating to Blue Grass Army Depot, Kentucky, authorized in section 2401(a) of that Act relating to Naval Air Station, Whidbey Island, Washington, Washington.

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 2902 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 FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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, $385,240,000; and
(b) for the Army Reserve, $111,404,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $35,641,000.

(3) For the Department of the Air Force—
(a) for the Air National Guard of the United States, $227,352,000; and
(b) for the Air Force Reserve, $53,732,000.

SEC. 2701. EXTENSION 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 projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

(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 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) Extension.—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 projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

(b) Tables.—The tables referred to in subsection (a) are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>Replace Family Housing</td>
<td>$8,998,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>Replace Family Housing</td>
<td>$9,692,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>Replace Family Housing</td>
<td>$6,400,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>Replace Family Housing</td>
<td>$5,600,000</td>
</tr>
</tbody>
</table>

Army National Guard: Extension of 1999 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>Westfield</td>
<td>Army Aviation Support Facility</td>
<td>$9,374,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Spartanburg</td>
<td>Readiness Center</td>
<td>$5,240,000</td>
</tr>
</tbody>
</table>

Navy: Extension of 1998 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Complex, San Diego</td>
<td>Replacement Family Housing</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station, Miramar</td>
<td>Family Housing Construction</td>
<td>$29,881,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Naval Complex, New Orleans</td>
<td>Replacement Family Housing</td>
<td>$11,930,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christi</td>
<td>Family Housing Construction</td>
<td>$22,250,000</td>
</tr>
</tbody>
</table>

Air Force: Extension of 1998 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>Replace Family Housing</td>
<td>$20,300,000</td>
</tr>
</tbody>
</table>
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 enactment of this Act.
TITLE XXVIII—GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
SEC. 2801. INCREASE IN THRESHOLDS FOR CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.
(a) PROJECTS REQUIRING ADVANCE APPROVAL BY CONGRESS.—Subsection (b)(1) of section 2005 of title 10, United States Code, amended by striking "$500,000" and inserting "$750,000".
(b) PROJECTS FOR OPERATION AND MAINTENANCE.—Subsection (c)(1) of that section is amended—
(1) in subparagraph (A), by striking "$1,000,000" and inserting "$1,500,000"; and
(2) in subparagraph (B), by striking "$500,000" and inserting "$750,000".
SEC. 2802. UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION AS BASIS FOR AUTHORIZED COST VARIATIONS FOR MILITARY CONSTRUCTION AND FAMILY HOUSING CONSTRUCTION PROJECTS.
Subsection (d) of section 2803 of title 10, United States Code, is amended to read as follows:
“(d) The limitation on cost increases in subsection (a) does not apply to the following:
“(1) The settlement of a contractor claim under a contract.
“(2) The cost of any environmental hazard remediation required by law, including asbestos removal, radon abatement, and lead-based paint removal or abatement, if such remediation could not have reasonably been anticipated before the date the project was approved originally by Congress.”.
SEC. 2803. REPEAL OF REQUIREMENT FOR ANNUAL REPORT TO CONGRESS 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. AUTHORITY AVAILABLE FOR LEASE OF PROPERTY, FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.
(a) LEASE AUTHORIZED.—Section 2878 of title 10, United States Code, is amended—
(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the following new subsection (c):
“(c) LEASE AUTHORIZED.—(1) The Secretary concerned may use any authority or combination of authorities available under section 2876 of this title in leasing property, facilities, or real property under this subsection to the extent such property or facilities, as the case may be, are described by subsection (a)(1) of such section.
“(2) The limitation in subsection (b)(1) of section 2876 of this title shall not apply with respect to a lease of property or facilities under this subsection.”
(b) CONFORMING AMENDMENT.—Subsection (e) of that section, as redesignated by subsection (a) of this section, is further amended—
(1) by striking paragraph (1); and
(2) by redesignated paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.
(c) TECHNICAL AMENDMENT.—Paragraph (3) of subsection (e) of that section, as redesignated by this section, is further amended by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney–Vento Homeless Assistance Act”.
SEC. 2805. FUNDS FOR HOUSING ALLOWANCES OF MILITARY PERSONNEL ASSIGNED TO MILITARY FAMILY HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.
(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2883 the following new section:
“§ 2883a. Funds for housing allowances of members of the armed forces assigned to certain military housing units.
“(a) IN GENERAL.—Nothing in this Act or in section 2667 of this title authorizes the Secretary of Defense to use funds appropriated or made available to carry out this act to—
“(1) make improvements to a family housing unit that are not related to the remodeling of such unit; or
“(2) use the funds for other purposes.
“(b) LIMITATION.—Notwithstanding subsection (a), the Secretary may carry out the activities described in subsection (a) only if the Secretary determines that—
“(1) the funding is needed to support a large number of family housing units exposed to similar conditions; and
“(2) the activities carried out under section 2667 of this title are not sufficient to address such conditions.
“(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities carried out under subsection (a)(1) and (a)(2) of this section not later than 90 days after the date of the enactment of this Act. The report shall include—
“(1) the funds necessary to complete the activities described in subsection (a)(1) of this section; and
“(2) a summary of the funds necessary to complete the activities described in subsection (a)(2) of this section.”
SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATIONS TO TREAT FINANCING COSTS AS ALLOCABLE EXCISE COSTS UNDER CONTRACTS FOR UTILITY SERVICES UNDER UTILITY SYSTEMS ACQUIRED UNDER PRIORITIZATION INITIATIVE.
(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2886(b) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.
(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions related to the conveyance or to any action taken to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a justification for the failure to take such actions.
Subtitle B—Real Property and Facilities Administration
SEC. 2811. AVAILABILITY OF PROCEEDS OF SALES OF PROPERTY OF DEPARTMENT OF DEFENSE MUNICIPAL UTILITIES AT CLOSED MILITARY INSTALLATIONS.
Section 204(h)(2) of the Federal Property and Administrative Policies Act of 1970 (40 U.S.C. 485(h)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:
“(A) In the case of any property located at a military installation that is closed, such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before the closure of the military installation.
“(B) In the case of property located at any other military installation—
“(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where such property was located before it was disposed of or transferred; and
“(ii) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before it was disposed of or transferred.”
SEC. 2812. PILOT EFFICIENT FACILITIES INITIATIVE.
(a) INITIATIVE AUTHORIZED.—The Secretary of Defense may carry out a pilot program for purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations. The pilot program shall be known as the “Pilot Efficient Facilities Initiative” (in this section referred to as the “Initiative”).
(b) DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall designate up to two installations of each military department for participation in the Initiative.
(2) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a written notice of each installation proposed to be included in the Initiative not less than 30 days before taking any action to carry out the Initiative at such installation.
(3) The Secretary shall include in the notification regarding an installation designated for participation in the Initiative a management plan for the Initiative at the installation. Each management plan for an installation shall include the following:
(A) A description of—
(i) each proposed lease of real or personal property located at the installation;
(ii) each proposed lease of real or personal property located at the installation;
(iii) each proposed leaseback of real or personal property leased or disposed of at the installation;
(iv) each proposed conversion of services at the installation from Federal Government performance to non-Federal Government performance, including any action by contract with a State or local government or private entity or performance as consideration for the lease or disposal of property at the installation; and
(v) each other action proposed to be taken to improve mission effectiveness and reduce the cost of providing quality installation support at the installation; and
(B) With respect to each proposed action described under subparagraph (A)—
(i) an estimate of the savings expected to be achieved as a result of the action;
(ii) each regulation not required by statute that is proposed to be waived to implement the action; and
(iii) each statute or regulation required by statute that is proposed to be waived to implement the action, including—
(I) an explanation of the reasons for the proposed waiver; and

(II) a description of the action to be taken to protect the public interests served by the statute or regulation, as the case may be, or if specific authority for the waiver of such statute or regulation is provided in an Act that is enacted after the date of the enactment of this Act.

(d) Waiver of Statutory Requirements.—The Secretary may issue a waiver of a statute or regulation required by statute for purposes of carrying out the Initiative only if specific authority for the waiver of that statute or regulation is provided in an Act that is enacted after the date of the enactment of this Act.

(e) Reporting Requirements.—The Secretary shall submit to the committee of the Congress referred to in subsection (a) for the purpose of the demonstration program that were in force during the year.

(f) Final Report.—The final report under this subsection shall include, in addition to the matters required under paragraph (2), an evaluation of the demonstration program and any recommendations, including recommendations for the continuation, expansion, or termination of the demonstration program, that the Secretary considers appropriate.

(g) Funding.—Amounts authorized to be appropriated for the purposes of the demonstration program under this Act are available until expended for the replacement of Building 5089.

(h) Authorization of Appropriations.—The Secretary may accept the funds paid by the Commonwealth for the cost of the replacement of Building 5089 as consideration under subsection (b)(4) and shall credit the accepted funds to the appropriated funds pursuant to the authorization of appropriations in section 2104(a)(4), shall be available in accordance with section 8804(a) of title 10, United States Code, for the excess, if any, of the cost of the replacement of Building 5089 over the amount available for such project under paragraph (2).

(i) Description of Property.—(1) The Secretary may accept the real property to be conveyed under subsection (a)(2) as are set forth in the map of property shown satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(j) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) that are determined by the Secretary to be appropriate.

SEC. 2823. LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Commonwealth of Virginia in (in this Act referred to as the “Fund”), and provide administrative policies and procedures, in order to provide proper control of deposits in and disbursements from the Fund.

(b) Termination.—The authority of the Secretary to carry out the Initiative shall terminate four years after the date of the enactment of this Act.

(c) Effective Period of Requirements.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program as referred to by the Secretary shall be in excess of five years.

(d) Reports.—(1) Not later than January 31, 2003, and annually thereafter until the termination of the Initiative and include such programs and projects conducted by the Secretary not in excess of five years.

(2) Each report under paragraph (1) shall include, for the year covered by such report, the following:

(A) A description of the contracts entered into during the year that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(B) The experience of the Secretary during the year with respect to any contracts containing requirements referred to in subsection (a) for the purpose of the demonstration program that were in force during the year.

(C) The final report under this subsection shall include, in addition to the matters required under paragraph (2), an evaluation of the demonstration program and any recommendations, including recommendations for the continuation, expansion, or termination of the demonstration program, that the Secretary considers appropriate.

(D) EXPANDED—The authority under subsection (a)(2) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2008.

(E) FUNDING.—Amounts authorized to be appropriated for the purposes of the demonstration program under this Act shall be available until expended for the replacement of Building 5089.

(F) Authorization of Appropriations.—The Secretary may accept the funds paid by the Commonwealth as consideration under subsection (b)(4) and shall credit the accepted funds to the appropriated funds pursuant to the authorization of appropriations in section 2104(a)(4), shall be available in accordance with section 8804(a) of title 10, United States Code, for the excess, if any, of the cost of the replacement of Building 5089 over the amount available for such project under paragraph (2).

(G) DESCRIPTION OF PROPERTY.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(H) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as determined by the Secretary to be appropriate for the optimum development of the Engineer Proving Ground; and

(I) pay the United States an amount, joint

SEC. 2822. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

(a) Transfer of Administrative Jurisdiction.—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction over real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted 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 at the appropriate offices of the National Park Service.

(b) The transfer authorized by this subsection shall occur if at all, concurrently with the transfer 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 before October 3, 2001.

(b) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any parcel of land that is not subject to any easements or rights-of-way and is approximately 485 acres and comprising the interest of the United States in and to any of the parcels of real property described in subsection (a), for the purpose of economic redevelopment.

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of 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 of the personal property associated with such real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Korea site).

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Secretary of the Navy shall maintain any real property, including appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Loring, in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(e) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Loring Development Authority (in this section referred to as the ‘Authority’), all right, title, and interest of the United States in and to any of the parcels of real property described in subparagraph (A), (b), and (c) of this section, for the purpose of economic redevelopment.

(f) REIMBURSEMENT FOR ENVIRONMENTAL RELATED EASEMENTS.—(1) The Secretary shall reimburse the Secretary of the Navy for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a), and of any easements or rights-of-way 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.—(1) 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.

SEC. 2824. CONVEYANCE OF SEGMENT OF LORING PETROLEUM PIPELINE, MAINE, AND RELATED EASEMENTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Loring Development Authority, Maine (in this section referred to as the ‘Authority’), all right, title, and interest of the United States in and to any of the parcels of real property described in this subsection solely for economic development purposes.

(b) CONDITION OF CONVEYANCE.—The Secretary shall not make the conveyance under subsection (a) unless the Authority agrees to utilize the property to be conveyed under that subsection solely for economic development purposes.

(c) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Authority shall maintain any real property, including appurtenances thereto, consisting of approximately one acre of the real property conveyed under that subsection, at all times, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory (also known as Building 14).

(d) 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.

(e) DESCRIPTION OF PROPERTY.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(f) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(g) ADDITIONAL TERMS AND CONDITIONS.—(1) The Authority may require such additional terms and conditions in connection with a lease otherwise provided for under this subsection, as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LEASE OF SEGMENT OF LORING PETROLEUM TERMINAL SERVING FORMER LORING AIRFORCE BASE AND BANGOR AIR NATIONAL GUARD BASE, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Maine Port Authority of the State of Maine (in this section referred to as the ‘Authority’) all right, title, and interest of the United States in and to the Petroleum Terminal (POL) at Mack Point, Searsport, that constitutes the remaining portion of the Petroleum Terminal.

(b) REIMBURSEMENT.—(1) The Authority shall reimburse the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.
(b) 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. 2826. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, the Port Authority, Lucas County, Port Authority, Ohio (in this section referred to as the “Port Authority”), any or all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 29 acres 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 necessary to the conveyance.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease any portion of such property and any personal property described in subsection (a)(2), to the Port Authority in exchange for such security, fire protection, and maintenance services as the Secretary considers appropriate.

(c) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that—

(1) the Port Authority—

(a) accept the real and personal property concerned in their condition at the time of the conveyance or lease, as the case may be; and

(b) except as provided in subsection (d), use the real and personal property concerned, whether directly or through an agreement with a public or private entity, for economic development or such other public purposes as the Port Authority considers appropriate.

(d) SUBSEQUENT USE.—(1) The Port Authority may, following entry into a lease under subsection (b) for real property, personal property, or both, sublease such property for a purpose different from that for which the Port Authority accepts such property as provided in subsection (a). The Secretary approves the sublease of such property for that purpose.

(2) The Port Authority may, following the conveyance under subsection (a), lease or reconvert such real property, and any personal property conveyed with such real property under that section, for a purpose set forth in subsection (c)(2).

(e) REIMBURSEMENT FOR COSTS OF CONVEYANCE AND LEASE.—(1) The Port Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a) or lease authorized by subsection (b).

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the costs of that activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary as reimbursement under paragraph (1).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal of the real property to be conveyed under subsection (a)(1), and an appropriate and other description of the personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary.

(g) 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. 2827. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.


(1) in subsection (a), by striking “22 acres” and inserting “44 acres”;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):—

“(b) TRANSFER OF JURISDICTION.—At the same time the Secretary of the Air Force transfers to the Department of the Interior the land described in section 2890, the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

“(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property owned by the Port under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

“(3) The Secretary shall—

(A) transfer to the Department of the Interior the parcel described in paragraph (1) and any improvements thereon;

(B) vest title to the parcel described in paragraph (1) in the Department of the Interior; and

(C) use the property for purposes of determining reparation for environmental remediation of such property.

“(d) LIMITATION ON CONVEYANCES.—The Secretary may not convey by this section the property described in paragraph (1), notwithstanding any limitation on conveyances contained in any other provision of law.

“(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by this section, and the cost of the survey for the property to be conveyed by this section, shall be the minimum portion of such property necessary to complete the purpose of this section.

“(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCES, CHARLESTON AUTHORIZED.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Port Authority, Inc., a nonprofit organization (as defined in section 2695(c) of title 10, United States Code, as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 as enacted by Public Law 106–398; 114 Stat. 356)) any or all right, title, and interest in and to the real property of the United States located or based on, or including the portion of the property located or based on, the property described in paragraph (1), to facilitate the Remount Road Military Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the conveyee shall enter into an agreement with the United States to convey the property required by the United States for such purpose as it may from time to time determine.

(c) DETERMINATION OF PORTION OF PROPERTY.—The conveyance authorized by subsection (a) shall be subject to the condition that the conveyee shall provide the Secretary with such information as the Secretary may require to make a determination of the portion of the property required by the United States for such purpose as it may from time to time determine.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary for the conveyance authorized by this section.

(2) The amount of the reimbursement under paragraph (1) for any activity shall be...
determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(f) 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.

SEC. 2830. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES REQUIRED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the ‘‘Historical Society’’) all right, title, and interest of the United States in and to parcels of real property, together with any improvements, of the former Minuteman III ICBM facilities of the former 321st Missle Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated ‘‘November-33’’.

(B) The parcel consisting of the missile alert facility and launch control center designated ‘‘October-2’’.

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the State Historical Society of North Dakota, the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORIC SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historical site referred to in subsection (a).

SEC. 2831. CONSTRUCTION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the military heritage of the United States in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of the Army National Guard shall transfer to the City of Kewaunee, Wisconsin (in this section referred to as the ‘‘City’’), all right, title, and interest in and to a parcel of real property, including improvements thereon, of approximately 260 acres, or any portion thereof, in Kewaunee County, Wisconsin, for purposes of including such parcel in the City’s Army Reserve 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 survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the property is no longer being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 2833. TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of section 2832 shall be deposited into the Land and Water Conservation Fund.

Subtitle D—Other Matters

SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, related to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary, (1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Secretary of the Army to use appropriated funds to design and construct the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfaction of all conditions determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CONTRIBUTIONS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept any and all contributions, invest, and spend any gift, devise, or bequest of personal property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subdivision.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.


SEC. 2843. NAMING OF PATRICIA C. LAMAR ARMY NATIONAL GUARD READYNESS CENTER, OXFORD, MISSISSIPPI.

(a) DESIGNATION.—The Army National Guard Readiness Center, Oxford, Mississippi, shall be known and designated as the ‘‘Patricia C. Lamar Army National Guard Readiness Center’’.

(b) REFERENCE TO READY CENTER.—Any reference to the Oxford Army National Guard Readiness Center, Oxford, Mississippi, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Patricia C. Lamar Army National Guard Readiness Center.

SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DE RUSSEY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may enter into an agreement with the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the ‘‘Fund’’), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) FORM OF AGREEMENT.—The agreement under subsection (a) may take the form of a non-appropriated fund instrumentality gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) USE OF PARKING GARAGE BY PUBLIC.—The agreement under subsection (a) may permit the use of the parking garage by the general public under the conditions determined by the Secretary if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

SEC. 2845. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions for the purpose of establishing a memorial or assisting in the repair of any damage caused by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 267(e) of title 10, United States Code.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Modifications of 1990 Base Closure Law

SEC. 2901. AUTHORITY TO ENTER OUT Base CLOSURE ROUND IN 2003.

(a) COMMISSION MATTERS.—
(1) APPROPRIATION.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2897 note) is amended—
(A) by striking “and” at the end of clause (ii); and
(B) by striking the period at the end of clause (ii) and inserting “,”.

(2) MISPRIMING.—Section 2902(e) of that Act is amended by striking “and 1995” and inserting “1995, and 2003”.

(3) FUNDING.—Section 2902(k) of that Act is amended—
(A) in paragraph (2), by striking the end of the following new paragraph (4):
(4) If no funds are appropriated to the Commission for the activities of the Commission in 2003, the Secretary may transfer to the Commission for purposes of its activities under this part in the year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

(B) in paragraph (4) the following new paragraph (2):
(2) A force-structure plan, the Secretary shall submit to Congress in support of the budget for the Department of Defense for fiscal year 2003, the Secretary shall include a force-structure plan for the Armed Forces for that year, and the Secretary in the quadrennial defense review under section 118 of title 10, United States Code, in 2001 of the probable threats to the national security during the twenty-year period beginning with fiscal year 2003.

(c) R ELIATION TO OTHER BASE CLOSURE AND REALIGNMENT ACTS.—Section 2802(a) of title 10, United States Code, is amended by striking “1995, and 2003” and inserting “1995, and 2003”.

(d) USE OF FUNDS.—(1) The Secretary may transfer to the Commission for purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a), and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2905(a) of title 10, United States Code.

(3) REPORTS.—(a) A no later than 60 days after the end of each Fiscal year the Secretary shall submit to Congress a report on the carrying out of activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such Fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

(b) The report for a fiscal year shall include—
(i) the obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and defense agency.
(ii) the fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.
(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year are derived from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2901(a), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—
(1) any failure to carry out military construction projects that were so proposed; and
(2) any expenditures for military construction projects that were not so proposed.

(c) No later than 60 days after the termination of the period for which the Secretary is authorized to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—
(1) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and
(2) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NON-APPROPRIATED FUNDS.—(1) If any real property, commodity, or improvement authorized by law for a minor military construction project is transferred or disposed of in connection with a military construction project, the Secretary may sell or transfer property or facilities acquired, constructed, or improved for such project, if a project title.

(2) Disposal or transfer of commissary stores and property purchased with nonappropriated funds shall be made, in connection with a military construction project, if the Secretary finds the disposal or transfer of property or facilities acquired, constructed, or improved for such project, if the amount of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the Reserve account established under section 2904(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2897 note).
“(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense. “(3) Any selection criteria proposed by the Secretary to the Congress in the report and is determined by the Commission on the basis of the military value is the primary consideration shall be consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and
“(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.”
“(e) Privatization in Place.—Section 2904(a) of that Act is amended—
“(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
“(2) by inserting after paragraph (2) the following new paragraph:
“(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementing the recommendation.”;
“(f) Implementation.—
“(1) Payment for Certain Services for Property Leased Back by the United States.—Section 2906(b)(4) of that Act is amended—
“(1) in clause (iii), by striking “lease” and inserting “Except as provided in clause (v), a lease”;
“(2) by adding at the end the following new clause:
“(v)(1) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for services and maintenance provided for purposes other than to assist the homeless.’’;
“(C) the Secretary shall take into account the effect of the provisions in the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.”;
“(c) Department of Defense Recommendations to Congress.—Section 2906(c) of that Act is amended—
“(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (4), (6), (7), and (8), respectively; and
“(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:
“(i) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2002. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.”;
“(3) in paragraph (4), as so redesignated,
“(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;
“(B) by inserting after subparagraph (A) the following new subparagraph (B):
“(B) in considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall consider current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.; and
“(C) in subparagraph (D), as so redesignated, by striking “subparagraph (B)” and inserting “subparagraph (B)”; and
“(4) by inserting after paragraph (4), as so redesignated, the following new paragraph:
“(5)(A) In making recommendations to the Secretary under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.
“(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan submitted under subsection (a)(2) and final criteria referred to in such recommendations under this section.
“(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.”;
“(5) in paragraph (8), as so redesignated,
“(A) by redesignating subparagraphs (B) and (C) as paragraphs (5) and (6), respectively; and
“(B) in the first sentence, by striking “paragraph (5)(B)” and inserting “paragraph (5)(B) and”;
“(C) in the second sentence, by striking “24 hours” and inserting “48 hours”.
“(d) Commission Changes in Recommendations of Secretary.—Section 2906(d)(2) of that Act is amended—
“(1) in subparagraph (B), by striking “if” and inserting “only if”;
“(2) in subparagraph (C)—
“(A) in clause (iii), by striking “and” at the end;”;
“(B) in clause (iv), by striking the period at the end and inserting “and”;
“(C) by adding at the end the following new clause:
“(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.”;
“(3) by redesigning subparagraph (E) as subparagraph (F); and
“(4) by redesigning subparagraph (D) the following new subparagraph (E):
“(E) in the case of a change not described in subparagraph (D) in the recommendations of the Commission, the Commission may make the change only if the Commission—
“(i) makes the determination required by subparagraph (B); and
“(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and
“(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.”;
“(f) Implementation.—
“(1) Payment for certain services for property leased back by the United States.—Section 2906(b)(4) of that Act is amended—
“(1) in clause (iii), by striking “lease” and inserting “Except as provided in clause (v), a lease”;
“(2) by adding at the end the following new clause:
“(v)(1) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for services and maintenance provided for the leased property by the redevelopment authority or assigee, as the case may be.
“(B) the rate charged the United States for services and maintenance provided by a redevelopment authority or assigee under subparagraph (A) may exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.
“(C) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.”;
“(2) Transfers in Connection with Payment of Environmental Remediation.—Section 2905(e) of that Act is amended—
“(1) in paragraph (1)(A), by striking “2001,” and inserting “2001,” and”, and;
“(2) by adding at the end the following new paragraphs:
“(D) by inserting after paragraph (1)(A), by striking “be paid to the United States” and inserting “be paid by the Secretary with respect to the property or facilities”;
“(E) by striking paragraph (6); and
“(F) by redesigning subparagraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

"SEC. 2906. BASE CLOSURE ACCOUNT 1990."

"SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES."

"SEC. 2904. IMPLEMENTATION."

"SEC. 2905. ENVIRONMENTAL REMEDIATION."
(E) by inserting after paragraph (2) the following:

"(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.".

(3) SCOPE OF INDEMNIFICATION OF TRANSFERRERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2006(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following:

"...and otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.".

SEC. 2904. TECHNICAL AND CLARIFYING AMENDMENTS.—

(a) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(5)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking "that date" and inserting "the date of publication in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(V)".

(b) TECHNICAL AND CLARIFYING AMENDMENTS.—(1) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(A) Section 2905(b)(3).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(iv).

(D) Section 2905(b)(7)(N).

(E) Section 2910(a).

(F) Section 2910(b)(6).

(2) That Act is further amended by inserting "or realigned" after "closed" each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(i).

(B) Section 2905(b)(3)(D).

(C) Section 2905(b)(3)(E).

(D) Section 2905(b)(4)(A).

(E) Section 2905(b)(5)(A).

(F) Section 2910(g).

(G) Section 2910(h).

(H) Section 2910(i).

(I) Section 2906(e)(1)(B) of that Act is amended by inserting "...or realigned...", or realigned or to be realigned," after "closed or to be closed".

Subtitle B—Modification of 1988 Base Closure Law

SEC. 2911. PAYMENT FOR CERTAIN SERVICES PROVIDED BY REDEVELOPMENT AUTHORITY FOR PROPERTY LEASED BACK BY THE UNITED STATES.

Section 2914(h) of the Defense Authorization Amendments and Base Closure and Realignment Act of (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph (J):

"(J)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property for dilapidation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for that 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 any other 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) Except as provided in clause (v), 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 lease term by 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 or assignee, as the case may be.

(b) DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal years 2001 through 2005 for activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $7,351,721,000, to be allocated as follows:

(1) WARRIORS ACTIVITIES.—For weapons activities, $5,481,795,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,687,443,000, to be allocated as follows:

(i) For directed stockpile work, $1,016,922,000.

(ii) For campaign, $2,137,300,000, to be allocated as follows:

(I) For operation and maintenance, $1,767,228,000.

(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), $369,972,000, to be allocated as follows:

Project 01–D–101, distribution information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $22,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $31,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,977,000.

Project 99–D–125, tritium facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

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, $1,533,221,000, to be allocated as follows:

(I) For operation and maintenance, $1,356,107,000.

(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), $177,114,000, to be allocated as follows:

Project 02–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $39,000,000.

Project 02–D–103, project engineering and design (PE&D), various locations, $31,530,000.

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, $179,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $0.

Project 01–J–126, projects evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmentalized information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,953,000.

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–108, renovation of existing roadways, Nevada Test Site, Nevada, $2,000,000.

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 98–D–123, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidated, Oak Ridge, Tennessee, $6,800,000.

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.

"..."
For the operation and maintenance, $3,245,201,000, to be allocated as follows:
(A) For operation and maintenance, $1,455,979,000.
(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), $6,784,000, to be allocated as follows:
Project 90-106, 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, $862,468,000, to be allocated as follows:
(1) For operation and maintenance, $322,151,000.
(2) 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), $540,317,000, to be allocated as follows:
Project 01-D-416, waste treatment and immobilization plant, Richland, Washington, $3,473,000.
Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, $6,844,000.
(4) For science and technology development—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $216,000,000.
(5) For defense facilities—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.
(6) For safeguards and security.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $230,621,000.
(7) For program direction.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.
(8) For adjustment.—The total amount authorized (as provided by subsection (a) of this section) is to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.
(a) In general.—Subject to subsection (b), funds hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in programs necessary for national security in the amount of $52,160,000, to be derived from offsets and use of prior year balances.

SEC. 3104. INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.
(a) Authorization of appropriations.—For independent oversight and performance assurance, $4,439,000,000, to be allocated as follows:
(A) For security investigations and activities, $2,473,565,000, to be allocated as follows:
(1) For security investigations, $1,211,188,000.
(B) For program direction, $813,450,000.
(C) For independent oversight and performance assurance for the Office of Environment, Safety, and Security, $1,285,000.
Health, $114,600,000, to be allocated as follows:
(A) For environment, safety, and health (defense), $91,307,000.
(B) For program direction, $23,293,000.

(WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $20,000,000, to be allocated as follows:
(A) For worker and community transition, $18,000,000.
(B) For program direction, $2,000,000.

(C) REPORT OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,895,000.

(NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(ADJUSTMENTS.—
(1) SECURITY AND EMERGENCY OPERATIONS, FOR PROGRAM.—The amount authorized to be appropriated pursuant to subsection (a) is reduced by $712,000 to reflect an offset provided by user organizations for security investigations.
(2) OTHER.—The total amount authorized to be appropriated pursuant to paragraphs (1), (2), (4), (5), (6), (7), and (8) of subsection (a) is reduced by $10,000,000 to reflect use of prior year balances.

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 within the amount of $157,537,000, to be allocated as follows:
Project 02-PVT-1, Paducah disposal facility, Paducah, Kentucky, $13,329,000.
Project 02-PVT-2, Portsmouth disposal facility, Portsmouth, Ohio, $2,000,000.
Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.
Project 98-PVT-5, environmental management/waste management disposal, Oak Ridge, Tennessee, $18,000,000.
Project 97-PVT-2, advanced mixed waste project, Idaho Falls, Idaho, $56,000,000.
Project 97-PVT-3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

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 $250,000,000.

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 committee receives 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—
(A) 110 percent of the amount authorized for that program by this title; or
(B) $2,000,000 more than 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 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 MINOR CONSTRUCTION PROJECTS.
(a) IN GENERAL.—The Secretary of Energy may carry out any minor construction project using operation and maintenance funds, or funds to acquire infrastructure funds, authorized by this title.
(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees a report on each exercise of the authority in subsection (a) during the preceding year. Each report shall give a brief description of each minor construction project covered by such report.
(c) MINOR CONSTRUCTION PROJECT DEFINED.—In this section, the term ‘‘minor construction project’’ means any project not specifically authorized by law if the approved total estimated cost of the project does not exceed $5,000,000.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.
(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of Energy may carry out any construction project using operation and maintenance funds, or funds to acquire infrastructure funds, authorized by this title.
(2) Funds appropriated pursuant to this title for a construction project that has not been presented to, or received by, Congress shall not be obligated unless the Secretary submits to the congressional defense committees a report on the project as shown in the most recent budget justification data submitted to Congress.
(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees a report on the exercises of the authority in subsection (a) during the preceding year. Each report shall give a brief description of each construction project covered by such report.
(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. 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 national security programs 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 construction project that is in support of national security programs of the Department of Energy exceed the total amount authorized to be appropriated for that program by this title.
(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 $500,000.
(2) If the total estimated cost for construction design in connection with any construction project exceeds $500,000, the 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, engineering, and construction design, for any construction project covered by this title if the Secretary certifies to the congressional defense committees that there has been a higher priority than the items from which the funds are transferred; and
(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 relied upon in support of the proposed action.
(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

CONGRESSIONAL RECORD — SENATE
October 3, 2001
S10244
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. A VAILABILITY OF FUNDS.

(a) In general.—As provided in section 3121(b), when so specified in an appropriation 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 2000.

SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(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) Not more than three transfers 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 in any one transfer under subsection (a) may not exceed $5,000,000.

(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.

SEC. 3131. LIMITATION ON AVAILABILITY OF FUNDS FOR OTHER DEFENSE ACTIVITIES FOR NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.

Not more than $5,000,000 of the funds authorized to be appropriated by section 3103(a)(8) for other defense activities for national security programs administrative support may be obligated or expended until the later of the following:

(1) The date on which the Secretary of Energy submits to Congress a report setting forth the purposes for which such funds will be obligated and expended.

(2) The date on which the Administrator for Nuclear Security submits to the Congress the future-years nuclear security program for fiscal year 2002 required by section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–35; 50 U.S.C. 2453).

SEC. 3132. NUCLEAR CITIES INITIATIVE.

(a) Limitations on Use of Funds.—No funds authorized to be appropriated for the Nuclear Cities Initiative after fiscal year 2001 may be obligated or expended with respect to more than three nuclear cities, or more than two serial production facilities in Russia, until 30 days after the Administrator for Nuclear Security submits to appropriate congressional committees an agreement signed by the Russian Federation on access under the Nuclear Cities Initiative to the downsized nuclear weapons complex and serial production facilities of the Nuclear Cities Initiative.

(b) Annual Report.—(1) Not later than the first Monday in February each year, the Administrator shall submit to the appropriate congressional committees a report on financial and programmatic activities with respect to the Nuclear Cities Initiative.

(2) Each report shall include, for the fiscal year covered by such report, the following:

(A) A list of each project that is or was completed, ongoing, or planned under the Nuclear Cities Initiative during such fiscal year.

(B) For each project listed under subparagraph (A), information, current as of the end of such fiscal year, on the following:

(i) The purpose of such project.

(ii) The budget for such project.

(iii) The life-cycle costs of such project.

(iv) Participants in such project.

(v) The commercial viability of such project.

(vi) The number of jobs in Russia created or to be created by or through such project.

(vii) The total amount of funds spent on such project, the percentage of such amount spent in the United States and the percentage of such amount spent overseas.

(c) Certification.—A certification by the Administrator that each project listed under subparagraph (A) did contribute, is contributing, or will contribute, as the case may be, to the downsizing of the nuclear weapons complex in Russia, together with a description of the evidence utilized to make such certification.

SEC. 3133. NUCLEAR CITIES INITIATIVE.

(a) Transfer Authority for Weapons Activities Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Not more than three transfers 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 in any one transfer under subsection (a) may not exceed $5,000,000.

(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 weapons activities 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 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 or project’’ means:

(A) A program referred to or a project listed in paragraph (b) of section 3101(a)(1)(D) for the National Nuclear Security Administration for weapons activities for facilities and infrastructure, that is being carried out by the office, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(B) 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.

(C) The term ‘‘defense environmental management funds at the field office’’ 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 at the field office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(D) The term ‘‘defense environmental management funds at the field office’’ does not include funds transferred pursuant to paragraph (a) or (d) of section 3130.

(E) The term ‘‘program or project under the jurisdiction of the office to another such program or project’’ 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 at the field office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(F) The term ‘‘program or project under the jurisdiction of the office to another such program or project’’ does not include funds transferred pursuant to paragraph (a) or (d) of section 3130.
(3) NUCLEAR CITY.—The term ‘‘nuclear city’’ means any of the nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:
(A) Zelenogorsk (Krasnoyarsk–45).
(B) Snezhinsk (Chelyabinsk–70).
(C) Tcheljabinsk (Chelyabinsk–65).
(D) Trechgornyy (Zlatoust–36).
(E) Seversk (Tomsk–7).
(F) Zhelenznogorsk (Krasnoyarsk–26).
(G) Trechgornyy (Zlatoust–36).
(H) Zelenogorsk (Krasnoyarsk–45).

SECTION 314. CONSTRUCTION OF DEPARTMENT OF ENERGY OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Secretary of Energy may provide for the design and construction of a new operations office complex under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Secretary may not exercise the authority in subsection (a) until the date on which the Secretary certifies to Congress that the feasibility study referred to in subsection (a) is consistent with the plans for the operations office complex established under section 1315(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 as enacted by Public Law 106–338; 113 Stat. 959; 50 U.S.C. 2404).

(c) DESIGN AND CONSTRUCTION.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 6801 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from savings and ancillary operations and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

SECTION 3141. ESTABLISHMENT OF POSITION OF DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) ESTABLISHMENT OF POSITION.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 964; 50 U.S.C. 2404) is amended—

(1) by redesignating section 3213 as section 3219 and transferring such section, as so redesignated, to the end of the subtitle; and

(2) by inserting after section 3212 the following new section:

“SEC. 3213. DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

‘‘(a) IN GENERAL.—There is in the Administration a Deputy Administrator for Nuclear Security, who is appointed by the President, by and with the advice and consent of the Senate.

‘‘(b) DUTIES.—(1) The Deputy Administrator shall be the principal assistant to the Administrator in carrying out the responsibilities of the Director under this title, and shall perform the powers and duties of the Administrator when the Administrator is disabled or there is no Administrator for Nuclear Security.

‘‘(2) The Deputy Administrator shall possess the authority, direction, and control of the Administrator, and exercise such powers, relating to the functions of the Administration as the Administrator may prescribe.’’.

(2) PAY LEVEL.—Section 3314 of title 5, United States Code (as redesignated by the amendment made by section 3219), is further amended by adding at the end the following new subparagraph:

‘‘(D) Zelenogorsk (Krasnoyarsk–45).

‘‘(I) Zhelenznogorsk (Krasnoyarsk–26).

‘‘(H) Seversk (Tomsk–7).

‘‘(G) Trechgornyy (Zlatoust–36).

‘‘(F) Snezhinsk (Chelyabinsk–70).

‘‘(E) Tcheljabinsk (Chelyabinsk–65).

‘‘(D) Trechgornyy (Zlatoust–36).

‘‘(C) Zelenogorsk (Krasnoyarsk–45).

‘‘(B) Snezhinsk (Chelyabinsk–70).

‘‘(A) Zelenogorsk (Krasnoyarsk–45).

‘‘INCREASE IN AUTHORIZED NUMBER OF POSITIONS.—Section 3241 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 964; 50 U.S.C. 2404) is amended—

(1) by inserting ‘‘(a) IN GENERAL—’’ before ‘‘The Administrator’’;

(2) in subsection (a), as so designated, by striking ‘‘300’’ and inserting ‘‘500’’.

(b) DESIGNATION OF EXISTING PROVISIONS ON TREATMENT OF AUTHORITY.—That section is further amended—

(1) by designating the second sentence as subsection (b);

(2) by aligning the margin of that subsection, as so designated, as so to indent the text two ems; and

(3) in that subsection, as so designated, by striking ‘‘Subsections in the preceding sentence,’’ and inserting ‘‘(b) TREATMENT OF AUTHORITY.—Subject to the limitations in subsection (a),’’.

(c) TREATMENT OF POSITION.—A position established under this subsection (a) may not be considered a Senior Executive Service position (as that term is defined in section 3321(a)(2) of title 5, United States Code), and shall not be subject to the provisions of subchapter II of chapter 31 of that title, relating to the Senior Executive Service.’’.

Subtitle E—Other Matters

SECTION 3151. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.


(b) PAY LEVEL.—Section 3727(e)(2)(A) of that Act (114 Stat. 1654A–505) is amended by striking ‘‘category 1/1’’ and inserting ‘‘category 1/0’’.

(c) LIMITATION.—The Secretary of Energy may not exercise the authority in subsection (a) until the date on which the Secretary certifies to Congress that the feasibility study referred to in subsection (a) is consistent with the plans for the operations office complex established under section 3151 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 as enacted by Public Law 106–65; 113 Stat. 964; 50 U.S.C. 2404) is amended by section 3219 of this Act.
“(1) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

“(2) Not later than 120 days after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a final report on the study under paragraph (1).

“SEC. 3152. DEPARTMENT OF ENERGY COUNTER-INTELLIGENCE POLYGRAPH PROGRAM.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary shall take into account the results of the Polygraph Review.

“SEC. 3153. ONE-YEAR EXTENSION OF AUTHORITY FOR DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

“SEC. 3154. ADDITIONAL OBJECTIVE FOR DEPARTMENT OF ENERGY DEFENSE NUCLEAR MATERIALS WORK FORCE RESTRUCTURING PLAN.—

SEC. 3155. MODIFICATION OF DATE OF REPORT OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.


SEC. 3156. REPORTS ON ACHIEVEMENT OF MILESTONES FOR NATIONAL IGNITION FACILITY.

(a) NOTIFICATION OF ACHIEVEMENT.—The Administrator for Nuclear Security shall notify the congressional defense committees when the Secretary for fiscal year 2002 to the National Ignition Facility in a timely manner, the Administrator shall submit to the congressional defense committees a report on the failure. The report on a failure shall include—

(1) a statement of the failure of the National Ignition Facility to achieve the milestone in a timely manner; and

(2) an explanation for the failure; and

(c) MILESTONES.—For purposes of this section, the Level one milestones and Level two milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility project of not achieving the milestone.

SEC. 3157. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) SUPPORT FOR PUBLIC EDUCATION.—For purposes of this section, the amounts authorized to be appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $6,900,000 shall be available for payment by the Secretary for fiscal year 2002 to the Los Alamos National Laboratory Foundation, a not-for-profit educational foundation chartered in accordance with section 313(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) EMPLOYMENT.—For fiscal year 2004—

Subject to the availability of appropriations for such purposes, the Secretary may—

(1) make a payment for each of fiscal years 2004 and 2005 in accordance with the payment referred to in subsection (a)(1) for fiscal year 2002; and

SEC. 3158. IMPROVEMENTS TO CORRAL HOLLOW ROAD, LIVERMORE, CALIFORNIA.

Of the amounts authorized to be appropriated under section 3101, not more than $325,000 shall be available to the Secretary of Energy for safety improvements to Corral Hollow Road adjacent to Site 300 of Lawrence Livermore National Laboratory, California.

SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7521 et seq.) is amended by adding at the end the following new section:

"Sec. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department of Energy facilities to terrorist attack.

(1)(A) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include a comprehensive assessment of the Secretary considers appropriate.

(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include a comprehensive assessment of the Secretary considers appropriate.

(c) The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

"Sec. 663. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack."

Subtitle F—Rocky Flats National Wildlife Refuge

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the "Rocky Flats National Wildlife Refuge Act of 2001."

SEC. 3172. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the Commission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that safe, effective, and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth in development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development requires the amounts of open space and thereby diminishes for many metropolitan Denver communities the vista of the striking Front Range mountain backdrop.

Some areas of the site contain contamination and will require further action.

The national interest requires that the cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) Purposes.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure; and

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

SEC. 3173. DEFINITIONS.

In this subtitle:

(1) CLEANUP AND CLOSURE.—The term "cleanup and closure" means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) COALITION.—The term "Coalition" means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) HAZARDOUS SUBSTANCE.—The term "hazardous substance" means any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordinance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) REFUGE.—The term "refuge" means the Rocky Flats National Wildlife Refuge established under section 3177.
RESPONSE ACTION.—The term “response action” has the meaning given the term “response” in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)), or any similar requirement under State law.

RFCA.—The term “RFCA” means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;
(B) the Environmental Protection Agency; and
(C) the Department of Public Health and Environment of the State of Colorado.

ROCKY FLATS.—

(A) IN GENERAL.—The term “Rocky Flats” means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled “Rocky Flats Environmental Technology Site”, dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) EXCLUSIONS.—The term “Rocky Flats” does not include—

(i) land and facilities of the Department of Energy’s National Wind Technology Center; or
(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

ROCKY FLATS TRUSTEES.—The term “Rocky Flats Trustees” means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)).

SECRETARY.—The term “Secretary”, means the Secretary of Energy.

SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) FEDERAL OWNERSHIP.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest in the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the boundaries of Rocky Flats transferred to in section 3173(b), shall be permanently preserved and maintained in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.— Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in subparagraph (B), and in consultation with the Secretary of the Interior, the Secretary shall make available land along the eastern boundary of Rocky Flats for the sole purpose of the transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 100 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application for land under this subsection may not affect any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge;

(B) the transportation project is included in the regional transportation plan of the Metropolitan Transportation Planning Organization designated for the same metropolitan area under section 5303 of title 49, United States Code.

SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage or provide for the management of the retained property to ensure the continuing effectiveness of response actions.

(B) REQUIRED ELEMENTS.—

(I) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(i) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer,

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2).

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (d)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall not occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Governor of the State of Colorado that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions;

(B) not later than 30 business days after that date.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFER.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to include treatment, disposal or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) IDENTIFICATION OF PROPERTY.—

(I) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(II) AMENDMENT TO MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—After the consultation, the Secretary and the Secretary of the Interior shall amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) COUNCIL ON ENVIRONMENTAL QUALITY.—

In the event the Secretary and the Secretary of the Interior cannot agree on the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of submission, and the Secretary and the Secretary of the Interior shall amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) MANAGEMENT OF PROPERTY.—

(1) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(2) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.
of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) NO RESTRICTION ON USE OF NEW TECHNOLOGY.—

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service), and any other agency that may be designated by the Secretary, of the appropriateness of the interim levels in the RFCA.

(2) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL, CONTAIN, OR REMOVE.—Nothing in this subsection, and no action taken under this subsection, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(e) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(f) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(g) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(h) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(i) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(j) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(k) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(l) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(m) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(n) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(o) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(p) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(q) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(r) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(s) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(t) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(u) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(v) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(w) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(x) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(y) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(z) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(aa) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(bb) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(cc) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(dd) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(ee) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(ff) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(gg) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(hh) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(ii) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(jj) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior for purposes of the Environmental Protection Agency, or any other measure to control contamination.

(kk) PAYMENT OF RESPONSE ACTION COSTS.—

Nothing in this subsection affects the obligation of a Federal department or agency that has or had operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.
rights described in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) NO EFFECT ON APPLICABLE LAW.—Nothing in this subtitle affects any other applicable Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights described in subsection (a).

(3) NO EFFECT ON ACCESS RIGHTS.—Nothing in this subtitle precludes the exercise of any access right, in existence on the date of enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) PURCHASE OF MINERAL RIGHTS.—

(1) IN GENERAL.—The Secretary shall seek to acquire any and all mineral rights at Rocky Flats through donation or through purchase or exchange from willing sellers for fair market value.

(2) FUNDING.—The Secretary and the Secretary of the Interior—

(A) may use for the purchase of mineral rights under paragraph (1) funds specifically provided by Congress; but

(B) shall not use for such purchase funds appropriated by Congress for the cleanup and closure of Rocky Flats.

(e) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, workers, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(f) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

(g) EASEMENT SURVEYS.—

(1) IN GENERAL.—Subject to paragraph (2), during the 180 days after the date of enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

(2) LIMITATION ON CONDITIONS.—An activity carried out under paragraph (1) shall be subject only to such conditions as are imposed—

(A) by the Secretary of Energy, before the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize interference with the cleanup and closure of Rocky Flats; and

(B) by the Secretary of the Interior, on or after the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize adverse effects on the management of the refuge.

SEC. 3180. ROCKY FLATS MUSEUM.

(a) MUSEUM.—In order to commemorate the contributions of Rocky Flats and its workers in the Cold War and the impact that the contributions have had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) LOCATION.—The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) CONSULTATION.—The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on—

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) REPORT.—Not later than three years after the date of enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to the Committee on Armed Services of the Senate and the appropriate committee of the House of Representatives a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

SEC. 3181. REPORT ON FUNDING.

At the time of submission of the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and annually thereafter, the Secretary and the Secretary of the Interior shall report to the Committee on Armed Services and the Committee on Appropriations of the Senate and the appropriate committees of the House of Representatives on—

(1) the costs incurred in implementing this subtitle during the preceding fiscal year; and

(2) the funds required to implement this subtitle during the current and subsequent fiscal years.

TITLES XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal years 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. 2266 et seq.).

TITLES XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c). The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baustelle</td>
<td>40,000 short tons</td>
</tr>
<tr>
<td>Chromium Metal</td>
<td>12,962 short tons</td>
</tr>
<tr>
<td>Indium</td>
<td>25,140 troy ounces</td>
</tr>
<tr>
<td>Jewel Bearings</td>
<td>30,273,221 pieces</td>
</tr>
<tr>
<td>Manganese Ferro HC</td>
<td>1,099,942 short tons</td>
</tr>
<tr>
<td>Palladium</td>
<td>11 short ounces</td>
</tr>
<tr>
<td>Quartz</td>
<td>164 pounds</td>
</tr>
<tr>
<td>Tantalum Metal Ingot</td>
<td>10,228 pounds contained</td>
</tr>
<tr>
<td>Tantalum Metal Powder</td>
<td>36,000 pounds</td>
</tr>
<tr>
<td>Thorium Nitrate</td>
<td>600,000 pounds</td>
</tr>
</tbody>
</table>

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, workers, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (d).

(d) EASEMENT SURVEYS.—

(1) IN GENERAL.—The Secretary shall seek to acquire any and all mineral rights at Rocky Flats through donation or through purchase, lease, or exchange from willing sellers for fair market value.

(2) FUNDING.—The Secretary and the Secretary of the Interior—

(A) may use for the purchase of mineral rights under paragraph (1) funds specifically provided by Congress; but

(B) shall not use for such purchase funds appropriated by Congress for the cleanup and closure of Rocky Flats.

(e) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, workers, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(f) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (e).

(g) EASEMENT SURVEYS.—

(1) IN GENERAL.—Subject to paragraph (2), during the 180 days after the date of enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

(2) LIMITATION ON CONDITIONS.—An activity carried out under paragraph (1) shall be subject only to such conditions as are imposed—

(A) by the Secretary of Energy, before the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize interference with the cleanup and closure of Rocky Flats; and

(B) by the Secretary of the Interior, on or after the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize adverse effects on the management of the refuge.

SEC. 3302. REVISION OF LIMITATIONS ON REQUIRED DISPOSALS OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.


(1) in subsection (a), by striking “the amount specified in such subsection (a)(4)” and inserting “the total amount specified in such subsection (a)(4)”;

(2) in subsection (b), by striking “the amount specified in such subsection (a)(5)” and inserting “the total amount specified in such subsection (a)(5)”;

(3) in paragraph (1), by striking “2003” and inserting “2002”; and

(4) in paragraph (1), by striking “2004” and inserting “2003”.

(b) PUBLIC LAW 104–201.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) in paragraph (1), by striking “2005” and inserting “2004”;

(2) in paragraph (1), by striking “2006” and inserting “2005”;

(3) in paragraph (1), by striking “2007” and inserting “2006”;

(4) in paragraph (1), by striking “2008” and inserting “2007”;

(5) in paragraph (1), by striking “2009” and inserting “2008”.

SEC. 3303. ACCELERATION OF REQUIRED DISPOSAL OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.

Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (111 Stat. 2057; 50 U.S.C. 98d note) is amended—

(1) in paragraph (1), by striking “2003” and inserting “2002”;

(2) in paragraph (1), by striking “2004” and inserting “2003”;

(3) in paragraph (1), by striking “2005” and inserting “2004”;

(4) in paragraph (1), by striking “2006” and inserting “2005”;

(5) in paragraph (1), by striking “2007” and inserting “2006”;

(6) in paragraph (1), by striking “2008” and inserting “2007”;

(7) in paragraph (1), by striking “2009” and inserting “2008”.
SEC. 104. REVISION OF RESTRICTION ON DISPOSAL OF MANGANESE FERRO.

Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is amended—

(1) in subsection (a)—

(2) by striking subsection (b) and (c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations—

There is 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 (as defined in section 7420(c) of such title).

(b) Authorization—The amount authorized to be appropriated by subsection (a) shall remain available until expended.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the executive session to consider Executive Calendar No. 432, the nomination of Robert W. Jordan to be Ambassador to Saudi Arabia; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the Record, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF STATE

Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE INDEFINITELY POSTPONED—S.J. RES. 16

Mr. REID. Madam President, I ask unanimous consent that the Calendar No. 105, S.J. Res. 16, be indefinitely postponed.

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

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 768 and the Senator proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 768) to amend the Improving America's Schools Act of 1994 and make permanent favorable treatment of need-based educational assistance under antitrust laws.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 104

Mr. REID. Madam President, I understand that Senator Kiolb has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Rumen), for Mr. Kiolb, proposes an amendment numbered 104.

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

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

The amendment is as follows:

SEC. 1. RETITLING.

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

SEC. 2. AMENDMENT.

Section 5303(d) of the Improving America’s Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

Mr. KOHL. Madam President, I rise today to offer a substitute amendment to H.R. 768. This legislation, as amended, will extend for seven years an existing antitrust exemption granted to colleges and universities that admit students on a need blind basis. The exemption provides protection for those schools to cooperatively develop a methodology for determining financial need in order to best assess a family's ability to pay the costs of attendance. There is no doubt that higher education opens doors and creates opportunities. It is therefore imperative that we in Congress do what we can to keep higher education affordable for our nation's students and their families. Some of the best and most prestigious colleges and universities admit students without regard to their financial need, allowing talented students from disadvantaged backgrounds to achieve their full potential. This exemption allows those colleges and universities to generate a uniform methodology to determine a family's need. The colleges and universities that use the exemption believe it allows them to attract needy students and maintain a thriving financial aid program.

Discussions among colleges and universities using need-blind admissions policies began more than thirty years ago. However, in 1989, the Department of Justice filed suit against 23 colleges and universities alleging that their cooperation violated antitrust laws. A federal district court ruled that the schools were subject to the antitrust laws. In 1991, a district of the colleges and universities settled with the Department of Justice with a promise to stop sharing information.

Faced with the prospect of eliminating their discussions as a result of the settlement, the colleges and universities sought to get back together to meet. In 1992, Congress passed the original two-year antitrust exemption for those schools that guaranteed that their aid was need-blind. The exemption was extended in 1994 and 1997. With the lawsuit and the threat of fresh in our collective memory, it seems prudent to extend the exemption for a reasonable length of time, but not indefinitely. The exemption has always been granted on the theory that cooperation through the exemption benefits the market but not, and does not, exempt those institutions from the prohibitions of the antitrust laws. Our antitrust laws guarantee competition, and competition means lower prices and higher quality for consumers—including students purchasing a college education, but the colleges and universities using the exemption believe that the market functions differently in this case. I am therefore willing to extend the exemption for another seven years but believe that any further activity in this legislation is beyond the scope of this bill.

There is little if any objective data to support this proposition. So this amendment area must be coupled with hard and objective data providing that this exemption does indeed benefit students and their families. Too many families are struggling today to put their children through college. So we must act very carefully and with full information before we pass a permanent antitrust exemption.

I would like to thank Representatives Lamar Smith and Barney Frank and their staffs for their work on this legislation in the House, and Senators DeWine, Leahy, and Hatch and their staffs for their assistance on this substitute amendment. We hope the House will agree to these changes and expeditiously send this legislation to the President for his signature.

Mr. LEAHY. Madam President, I appreciate the work that Senators Kiolb and DeWine have done on this bill. I want to point out that while this bill extends the antitrust exemption for participating institutions’ methodologies and applications for need-based financial aid, that exemption is still limited to the institutions’ dealings with potential students collectively. It has not, and does not, exempt those institutions from the prohibitions of the antitrust laws.
Mr. REID. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator Graham of Florida and Senator Torricelli of New Jersey.

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

PROUD TO BE AN AMERICAN

Mr. GRAHAM. Madam President, throughout America the events of September 11 have touched our people and have brought forth a level of thoughtful eloquence which has contributed to our ability to understand and to be able to deal with the extreme shock and pain of those agonizing images we all hold of the events of September 11.

On Sunday, I attended the services at my church, the Miami Lakes Congregational Church, where our pastor, Rev. Jeffrey Frantz, delivered an exceptional sermon. I would like his words and thoughts and message to be made available to a broader audience, and therefore I ask unanimous consent, Madam President, that Reverend Frantz' sermon, "Proud to be an American," be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, and that the title amendment be agreed to.

The amendment (No. 1844) was agreed to.

The bill (H. R. 768), as amended, was passed.

The title was amended so as to read: An Act to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

ORDERS FOR THURSDAY, OCTOBER 4, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, October 4, further, that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1447, the aviation security bill.

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

PROGRAM

Mr. REID. Madam President, the Senate will convene tomorrow at 10 a.m. and resume consideration of the motion to proceed to the aviation security bill. There is every hope we can complete that bill in the immediate future.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator Graham of Florida and Senator Torricelli of New Jersey.

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

The Senator from Florida.

American pride is rising to a magnificent height, and it makes us proud.

I say this because, at our best, America is a wondrous land, a delightful rainbow people — a masterpiece of God's creative hand. Our freedom is our heartbeat, our pulse. But our marvelous diversity is freedom's precious child.

Reports suggest that people from as many as 140 nations perished in the rubble of the World Trade Center. You see, friends, we are the world! That's not a pronouncement of arrogance; but rather it is a description of the incredible variety of human beings that fill the reaches of our land.

Perhaps some of you saw the televised memorial observance last Sunday afternoon at Yankee Stadium — an American gathering. With some initial words from James Earl Jones, and emceed by Oprah Winfrey, it was a moving and touching service throughout.

Along with tear-streaked cheeks and broken hearts, the diversity of America was everywhere. In the stands, to be sure, with family members, deeply saddened, holding pictures of their loved ones. And up front around the podium: clerics and clergy, holy men and women—arrayed in their sacred garments, gathered to pray and read holy writings—a magnificent demonstration of our common humanity.

There were Christian and Jew, Muslim and Buddhist, Hindu and Sikh, believer and non-believer—from every imaginable ethnic group and tribe. America is the world! O beautiful for spacious skies, For amber waves of grain, For purple mountain majesties, Above the fruited plain.

I'm proud to be an American. America, America! God shed God's grace on thee. And crown thy good with brotherhood From sea to shining sea.

This is our vision; this is our dream. It's part of our inheritance, part of our history and tradition. Almost from our inception, we have been what Second Isaiah called Israel, a light to the nations.
There's been much talk, since September 11th, of our vulnerability. Our vulnerability is, however, nothing new. We've always been vulnerable. It's the human condition. These blessed conditions, the beatitudes of Jesus, are transparent reminders of this truth.

We cannot save ourselves. Understandably, we're frenzied in our rush to make our lives safe again, to get our life back. We see this abundantly exemplified, now, as we invest enormous sums of money in the search for the things that are beyond our nation's own capability and intelligence on all fronts, as we clearly must do.

And yet, as people of faith, We've never lost our life. Our life is in God and in God's eternal love and saving grace that have no end.

Part of what is so vividly apparent in all of this is that we live in a world that is irresponsively interdependent and global; and we must increasingly see ourselves in this light. In no way, therefore, can we isolate ourselves from the suffering, deprivations and tribulations of any nation. We're too interconnected; our power and influence are too great.

I'm proud to be an American . . . in an America that indeed is a light to the nations. An America that rises to the challenge of our very greatness. We are a great nation. And what are the requirements of our greatness.

1. To be a good listener. Humility and love demand this of us: to embrace the other life . . . the other tribe . . . the other religion with respect and honor.

2. To think long-term in whatever we do. We must be wise in our consideration of what kind of a world—what kind of an Afghanistan, what kind of a Pakistan, or any other nation—do we want to see emerge on the other side of whatever action we take.

3. To respond to evil run amok. Evil of the proportions of the current global terrorism must be contained by global terrorism must be stopped. Most likely, we cannot avoid some measure of violence and aggression. But how we proceed, and with what level of international support, is of the utmost importance.

Violence and war must never—too easily, too quickly—become options. Sometimes, when evil and demonic forces are too out-of-control, we may well have no choice. But even then, it is only with great mercy and sorrow in our hearts that we act.

All of which is to suggest that violence, and resolution through violence, are never as easy as we think. It's never just a matter of going in and taking care of business. Ethnic and tribal warfare, as we see it today, for decades and decades . . . even centuries.

We see that in Northern Ireland. We've seen it in Kosovo and what was Yugoslavia, where ethnic and tribal hatreds have been warning for centuries on end. We see it, now, in Afghanistan.

I'm proud to be an American, O yea; and to be a child of the living God, the God of the heavens and the earth and all that is in it. Amen.

Mr. GRAHAM. Thank you, Madam President. And to my colleague, Senator TORRICELLI, I say thank you for your forbearance.

The PRESIDING OFFICER. The Senator from New Jersey.
every aircarft combined. It is another spot of vulnerability. So are our res-ervers, our powerplants. All these are places of vulnerability that must be ad-
dressed.

If the Senate tomorrow is to address the question of transportation, it can- not be complete if we secure aircarft without dealing with railroads be-
cause they are equally vulnerable.

Indeed, every Metroliner that leaves New York for Boston or Washington po-tentially can hold up to 2,000 people. Every train represents three 747s with average loads. Under any time in a tun-
el along the Northeast corridor where two trains pass, 3,000 or 4,000 people can be vulnerable at an instant.

Indeed, long before this tragedy oc-
curred, the Senate was put on notice by Amtrak that its tunnels were aging and had safety difficulties. Indeed, the six tunnels leading to Penn Station in New York under the Hudson River were built between 1911 and 1920. The Senate has been told they do not have ventilation. They do not have standing firehoses, and they do not have escape routes.

The Senate would like to deal with transportation safety by securing air-
planes so that we were as easy to get out from under the Baltimore tunnels or the Hudson River tunnels, if there were a fire or other emergency. Five hun-
dred or 1,000 people under Penn Station alone would have to climb up nine sto-
ries of spiral staircases, which is also the only route for firefighters to gain access.

It is not just the New York tunnels. The tunnels in Baltimore were built in 1877. The engineering was done by the Army Corps of Engineers during the Civil War. They still operate. High-
speed railroads purchased by this Sen-
ate at the cost of billions of dollars, which operate at 150 miles per hour, slow to 30 miles per hour in these tun-
els to navigate their Civil War engi-
neering. One hundred sixty trains car-
rying thousands and thousands of pas-
sengers go through each of these tun-
els every day in New York, Philadel-
phia, Boston, Baltimore, and, indeed, Washington, DC itself.

The tunnels to Union Station in Washington that travel alongside the Supreme Court annex building were built in 1907 and service up to 60 trains every single day and have the same dif-
iculties.

This is not a new problem. It has been coming for years. It is a problem in efficiency. It is an economic prob-
lem. But what looms most large today is it is an enormous safety problem. All of us must do everything possible to se-
cure our safety, but if this Senate act-
s upon air safety without dealing with these Amtrak and commuter trains, we have not fully met our responsibility.

Closing the barn door is not good enough when we can see open doors all around us that are other invitations for attack.

Amtrak has proposed a $3.2 billion program to enhance safety: One, a $471 million agreement to ensure that there are police in proximity to trains, bomb-sniffing dogs, and bomb detection equipment for lugg-
age—uncompromisable, logical, and essen-
tial—two, a command center and new communications equipment to ensure that the police are in contact with all trains, all police units at all times, in-
cluding a hazmat detection and re-
sponse system and fencing to assure that access to stations and trains can be controlled; third, $1 billion in safety and structural improvements for tun-
els in New York, New Jersey, Balti-
more, and Washington, as I have out-
lined, for fire and escape, and a billion dollars in capacity enhancement for rail, bridge, and switching stations along the Northeast corridor to deal with what has been a 40- to 50-percent increase in ridership since the Sep-
tember 11 attacks. This is necessitated by the need to have 608 additional seats from 15 Metroliners and Acela trains to ensure we can deal easily and assure that the Nation has at least a duplicity of service for our major northeastern metropolitan regions, so if air travel is interrupted again, or lost, there is some means of commerce, travel, and communica-
tion. But indeed, while it is much of the Northeast, it is not entirely the North-
east. Amtrak trains, in a national emergency, could be the only commu-
nication with the South, great Western cities, and, most obviously, in the Mid-
west. This is a danger that confronts all Americans. But, frankly, if it only concerns a single city in a single State in a great Union, when our citizens are in danger and the Nation has been at-
tacked, and a program of do no harm and safety is required, we should deal with those safety requirements that affect all States, as with our airliners. But even the least among us should be part of that program—to assure that their unique transportation needs are safe and secure.

This debate will be held tomorrow. I know some people would like to avoid it entirely. It is unpleasant to have any differ-
ces. We all want to agree on every-
thing. It may not be necessary. But some of us have raised this issue of expanded rail ca-
pacity and rail safety not for months but for years. Forgive me, but across my State there are 3,000 families who have lost a son, or a daughter, or a mother, or a father—not to injury but to death. This is not a theoretical prob-
lem. Terrorism has struck my State, as it struck Washington and New York—
only it may have consumed even more of our lives. While it is every Ameri-
can’s concern, I assure that we feel it most acutely. For me, responding to the attack will never be enough. Our responsibility is to forecast the next problem and assure that it never happens. We are grateful for resources for the victims, but our duty is to assure that there are no more victims. That is what Amtrak and rail safety is all about. This debate will be held tomor-
row. It is one we dare not lose.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro-
ceds to call the roll.

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

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

Mr. HARKIN. Madam President, I
ask unanimous consent that notwithstanding the previous order entered, I
be allowed to speak for up to 5 min-
utes, and then have the Senate adjourn at that point.

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

REOPENING NATIONAL AIRPORT

Mr. HARKIN. Madam President, I had a longer speech I wanted to give with charts and graphs and items such as that, but I want to take the time this evening to just register my deep-
est concern about the reopening of Na-
tional Airport. This goes back a long time for me. I remember how how-


weise billions of dollars was put into modernizing National Airport, and I have been saying for many years that it is just an accident waiting to hap-
pen. Quite frankly, we were very lucky when the Air Florida flight crashed into the bridge, in that it didn’t get any higher and crash into downtown Georgetown or the Lincoln Memorial or the Jefferson Memorial.

I remember that day as though it were yesterday, when that Air Florida flight took off and crashed into the 14th Street Bridge. I thought at that time—maybe if it had a little bit less ice on the wings, a little bit more power, and a few things were dif-
ferent—about where that plane might have come down. Whatever the reason for having National Airport located where it was in the past, I think those reasons have been shunted aside and overcome, right now at least, by what happened on September 11. Notwithstanding the act of the ter-
rorists, I still believe National Airport is still an accident waiting to happen. The approaches—I don’t care what any-
body says—are intricate and hard to fly in the best of conditions. You have an airport where, as one of our brief-
ings told us—I think one of the people who briefed us about National Airport said that if you are in a landing con-
figuration, the time from the airport to the Capitol is less than 30 seconds; from there to the White House is less than 20 seconds, and to the Penton it is less than 15 seconds. There is no way you can put a perimeter or fence around Washington, DC, if you have an
airport such as National right downtown. You can’t do it.

So, therefore, I have thought for a long time that National Airport ought to be moved someplace further out in Virginia. It is true that we need an airport, but it ought to be either down 95 or out west someplace outside the city, so you can put a 20-mile or so perimeter around this city into which no aircraft is allowed. And then you might have a good perimeter defense of Washington, DC.

But I have the sneaking suspicion that National Airport is being opened because it is convenient—convenient to the higher-ups in Government. It is convenient to me; personally, it is convenient. I love National Airport. It is 10, 15 minutes from my house. Otherwise, I have to drive to BWI or Dulles. But I have to put aside my convenience for what I think is the greater interest of this country.

There has been a lot of talk about how much money we put into National in upgrading it. It is a beautiful facility. But what would it cost to replace this Capitol? You could never do it. Or the White House or the Lincoln Memorial or the Jefferson Memorial or everything else that is so precious and almost sacred to our Nation?

So I disagree that somehow, if we kept it closed, it means the terrorists have won. I disagree. I think National ought to be opened somewhere else. There is plenty of open territory outside of Washington, DC, to the south and to the west. There are a lot of big areas out in Virginia. It would still be an economic income to the State of Virginia and the upper Virginia area. It is needed, but it is not needed where it is.

So I wanted to register my concern. I hope we will take another look at this issue and rebuild National Airport some other place farther outside the city.

Madam President, my time has expired. I yield the floor.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:50 p.m., adjourned until Thursday, October 4, 2001, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate October 3, 2001:

IN THE ARMY

**To be lieutenant general**

LT. GEN. JOHN F. AIREAUD, 0000

DEPARTMENT OF STATE

RICHARD K. W. OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

**To be director**

FADDI H. BASQUEZ OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS. VICE MARK L. SCHNEIDER, RE-OFFERED.

IN THE COAST GUARD

**To be captain**

BEYON ING, 0000

**CONFIRMATION**

Executive nomination confirmed by the Senate October 3, 2001:

DEPARTMENT OF STATE

ROBERT W. JORDAN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

The above nomination was approved subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.
Mr. BARCIA. Mr. Speaker, I rise today to honor two very special friends, Fred and Jane Martini of Hampton Township, Michigan, as they prepare to celebrate fifty years of marriage and a loving commitment to each other, their two children, four grandchildren and their great-granddaughter. The Martinis’ devotion and dedication to all around them has set a high benchmark to which their family, friends and neighbors might aspire.

From the day they were married on October 6, 1951 at St. John’s Church in Pinconning, Michigan, Fred and Jane have helped nurture a community of loving persons by setting a beautiful example for all those whose lives they have touched. Their marriage has been blessed with two remarkable children, Cynthia and James. Both parents worked hard to create a good and supportive family environment. While they never lost sight of that priority, the Martinis recognized that they also had a responsibility beyond their family and they somehow managed to find time to give back to their community in untold ways that will long be remembered.

After serving in the U.S. Army Air Corps during World War II, Fred began an extensive and venerable career with Consumers Power Company, retiring after 36 years. In his spare time, Fred was active with the Boy Scouts, taught civil defense, volunteered for the United Way and served as an Elder with Immanuel Lutheran Church. Over the years, Jane held numerous political positions in Hampton Township and in Bay County. She was first elected to the Township Board in 1968 and then spent 18 years as Township Clerk. In fact, during her tenure as Clerk, she registered me allowing me to vote for the first time so many years ago. The spirit of her life, Jane has volunteered to serve on many boards and committees, including the Bay County Library Board and the Senior Citizens Advisory Board.

Fred and Jane, however, never forgot about each other, despite their active lifestyles, because a strong marriage not only is a covenant with another; it serves as a declaration of eternal love. As the Gospel according to John teaches, a person who loves others “knows God for God is Love.” The everlasting union shared by Fred and Jane serves as a shining example of the power of love and its capacity to bring us all closer to the warmth and grace of our creator.

Mr. Speaker, I ask my colleagues to join me in congratulating Fred and Jane for achieving a rarely reached milestone of fifty years of marriage. The fullness of their commitment and the bountifulness of their love strengthen us all and we look to them for many more years of happiness.

Mr. Speaker, I rise today to honor and recognize OhioDance, Ohio’s statewide service organization for dance and movement arts, on their 25th anniversary.

OhioDance has long been dedicated to supporting the diverse and vibrant field of dance in Ohio by providing communication, information, education, cooperation building, and organizational services to the entire state. OhioDance serves a variety of audiences from professional companies and dancers to amateur dancers. They benefit college and university dance departments, dance studios, school and community programs, and dance supporters. OhioDance also provides a quarterly newsletter, dance calendar, and directory/course guide.

The Ohio Dance Festival is to be held this year on October 19–20 and will prove to be an amazing time for all those in attendance. In conjunction with this year’s festival, OhioDance will produce statewide showcases and master classes.

Over the past few years, OhioDance has partnered with countless organizations to promote their goal and affect more Ohio citizens. Recently, they have collaborated with the Ohio Department of Education, the Ohio Arts Council, and K–12 teachers in the development of dance education curriculum.

Mr. Speaker, please join me in celebration on this very special 25th Anniversary of OhioDance. Their admirable mission to spread the art of dance to all Ohio citizens should be commended by all.

Mr. Speaker, I rise today to pay tribute to the Community Christian Church and the Anniversary of its 30 years of service to the community of Alton, Illinois.

The people of the Community Christian Church are truly good Samaritans. They have spent 30 years preaching the word of Christ to Alton and surrounding areas and participating in other good works. They have helped to feed the hungry, clothe the needy, and have sent missionaries around the world bearing the word of God.

To such people as Robert Brunk and his congregation, the good deeds themselves are their own best rewards. Yet, on this special day, I think it is appropriate that they are recognized for their efforts. They are good Christians and good Americans, and remind us all...
of the compassion and energy that makes this country great.

To the people of the Community Christian Church, thank you for all your good works over the last three decades; and may God grant you the opportunity to continue doing His work for many years into the future.

MEMORIALIZING FALLEN FIREFIGHTERS

SPEECH OF

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. CASTLE. Madam Speaker, I rise today in strong support of House Joint Resolution 42, the “Fallen Firefighters Act of 2001.” As the author of the bill I am proud to be able to help honor our firefighters. This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all federal buildings be lowered to half-staff one day each year on the observance of the National Fallen Firefighters Memorial Service. This year’s service will be held this Sunday, October 7 in Emmitsburg, Md., at the National Fallen Firefighters Memorial. President and Mrs. Bush are scheduled to attend the ceremony.

This year’s service will be especially emotional in the wake of the terrorist attack on America where hundreds of brave men and women gave their lives to save those of thousands of strangers. I have personally visited the World Trade Center and the Pentagon and continue to be amazed by the work these men and women continue to do on a daily basis—and the work they have done that has saved thousands upon thousands of lives. I continue to be touched as I attend numerous town ceremonies in the wake of the tragedy by the support both for firefighters in our communities and their unwavering dedication to their communities, fellow firefighters, and our country.

Firefighters provide one of the most valuable services imaginable to this country—that of saving lives and safeguarding our precious lands. With integrity, firefighters preserve the safety in the communities they serve with tireless dedication and commitment. These heroes need to be recognized and thanked by all Americans, not just in the wake of this horrible tragedy but to the nearly 1.2 million men and women who serve our country as fire and emergency services personnel on a daily basis.

Approximately one-third of our nation’s finest suffer debilitating injuries each year making it one of the most dangerous jobs in America. Furthermore, approximately 100 men and women die in the line of duty every year—many are volunteers. Since 1981, every State in America, as well as the District of Columbia and Puerto Rico, has lost firefighters serving in the line of duty. Since 1981, the names of 2,077 fallen fire heroes have been added to the Roll of Honor. Ninety-six men and women who died in the line of duty in 2000 will be honored in October. This year, the name of Arnold Blankenship, Jr., of Greenwood, DE, will be placed on the 2000 memorial plaque. Sadly, Mr. Blankenship is not the first firefighter in Delaware to be memorialized. He will join H. Thomas Tucker, James Goode, Jr., W. Jack Northam, and Prince A. Mousley, Jr.

Lowering the flag on federal buildings one day a year will remind all Americans of the patriotic service and dedicated efforts of our fire and emergency services personnel. In October 2002, the over 300 firefighters who lost their lives in the attack on America will also be honored at the National Fallen Firefighter Memorial Service, along with 81 of their colleagues who also died in the line of duty during 2001, and sadly by the end of the year. It is important for this legislation to be in place to honor all these heroic men and women who have served our communities and our Nation. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America’s fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1962, Congress passed legislation honoring America’s police officers who died in the line of duty in recognition of their dedicated service to their communities and amended it in 1994 to lower the flag to half staff in memorial. Today, we take the first step in bestowing the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers. I would like to thank all the members who sponsored this legislation and I urge my colleagues to support this legislation and recognize these heroic men and women.

AIRLINE WORKER RELIEF

SPEECH OF

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Ms. SOLIS. Mr. Speaker, tonight I stand with my congressional colleagues in the House and in the Senate in my support of relief for the thousands of employees that have been or soon will be laid off in the wake of the tragic terrorist attacks of September 11. And, perhaps most importantly, I want to re-emphasize the immediate need for congressional action.

As this body deliberates the form and size of a worker relief package, many working men and women are now searching for new jobs. They are beginning the application process for unemployment benefits. Quite frankly, they are wondering how they are going to buy their groceries, make their house payment, and pay for transportation. All of this, when our economy is at a downturn.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for worker relief. Just as this body acted swiftly to address the needs of the airline industry, we should also move quickly to enact assistance for America’s displaced workers.

I would urge my colleagues to remember all workers that have been displaced in recent weeks. The dramatic decrease in travel and tourism affects not only those workers employed by the airline industry. No. Working men and women in the hospitality industry are facing massive layoffs. The same is true for restaurant workers and thousands of service sector employees. Close to 3 million jobs could be lost.

In recent years, the safety net for these workers has begun to fall. Passing a relief package for workers displaced by the tragic events of September 11 will give us the opportunity to begin to weave the safety net back together. I will do all that I can to ensure our safety net regains its strength now and maintains its strength in the future. I sincerely hope that my colleagues and my colleagues in the Senate and the President will do the same.

DON KRZYSIAK: A POLKA PRINCE

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Don Krzyzias of Bay City, Michigan, for his induction into the Michigan State Polka Music Hall of Fame and for his many years of celebrating Polish heritage in a town where nearly everyone seems to claim Polish ancestry. So at least wishes there was more of it.

Bay City’s Polish community is one of the proudest in Michigan, bringing with it a love for good food, good spirits, fellowship, dance and the traditions of a lovelorn, lively musical style known as the polka.

Don and his wife, Lois, opened Krzyzias’s House Restaurant in 1979. They are beginning the application process for unemployment benefits. Quite frankly, they are wondering how they are going to buy their groceries, make their house payment, and pay for transportation. All of this, when our economy is at a downturn.

The reasons for Don’s induction into the Michigan State Polka Music Hall of Fame, however, go beyond his legendary abilities as a restaurateur and promoter of Polish heritage. He has been instrumental in organizing many events, including the Bay Area Polish Tall Ships Festival, a presentation of the Magnificent Mazowsze song and dance ensemble, Polish Cabarets and traditional Polish Wigilia celebrations. He is perhaps most noted for putting together an event on Fat Tuesday in 1989 billed as the “Polka Paczki Party at Krzyzias’s House Restaurant,” which was covered live by a local television station and received front page coverage from the Bay City Times. This event is now described in mythic proportions in the local Polish community and throughout the state.

The reasons for Don’s induction into the Michigan State Polka Music Hall of Fame, however, go beyond his legendary abilities as a restaurateur and promoter of Polish heritage. He has also a keen ear for the polka and is an expert polka music listener. Don also recently learned to play the stumped fiddle and he performs at hospitals, nursing homes, and senior sites throughout the year.

Mr. Speaker, I ask my colleagues to join me in congratulating Don Krzyzias on achieving the Michigan Polka Music industry’s highest honor and for his many contributions in safe-guarding all aspects of Polish heritage for generations to come. I am confident that Don will continue to warm Polish hearts and satisfy the...
October 3, 2001

CONGRESSIONAL RECORD — Extensions of Remarks

E1785

appetites of people of all backgrounds well into the future.

IN HONOR OF CHESTER J. NOWAK

HON. DENNIS J. KCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Chester J. Nowak, United States Army Sergeant, on his years of dedicated military service to our great nation.

Mr. Nowak was born and raised in Cleveland, Ohio and is currently residing in Rocky River. He served selflessly for our country in the Korean War, and was in battle in Northern France, Rhinelnd, Central Europe, and Ardenness, known as the Bulge. He served in Company L, the 194th Glider Infantry Regiment with the 17th Airborne Division.

His love and true devotion to America is an inspiration to all. He received the Combat Infantry Badge and also the Glider Badge. He was awarded a Purple Heart after he was wounded in Belgium and was awarded a Bronze Star Medal for meritorious achievement in ground operations against the enemy.

Originally, the Republic of Korea offered medals to those veterans that served in Korea between June 25, 1950, the outbreak of hostilities in Korea, to July 27, 1953, the date the armistice was signed. In addition, veterans are eligible if they served on the soil of Korea, in waters adjacent, or in the air above Korea. These medals are a symbol of American freedom, patriotism, democracy, and sacrifice.

Mr. Speaker, please join me in honoring a man that has sacrificed for his nation and has served our country in many capacities, Sergeant Chester J. Nowak. Mr. Nowak is an inspiration to all, and our great country is thankful for his services.

CONGRATULATING TONY GWYNN ON ANNOUNCEMENT OF HIS RETIREMENT FROM BASEBALL

SPEECH OF
HON. JAMES T. WALSH
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. WALSH. Madam Speaker, I also rise in support of House Resolution 198 sponsored by Representative SUSAN DAVIS honoring Tony Gwynn for his numerous achievements to baseball and his community.

Tony Gwynn has a career batting average of .338 placing him 15th on the all-time leaders list. This amazing feat puts him in company with great Hall of Fame players like Ty Cobb, Rogers Hornsby and Tris Speaker. In fact, he is second, only to Ted Williams in batting average, hits, runs batted in and runs. Throughout his career Gwynn’s sportsmanship has placed him on a highly respectable list of players that consistently conduct themselves with great dignity. By staying with the Padres, Gwynn has given his fans a consistent and stable hero.

Gwynn, though, is a hero off the field as well. Despite his reluctance to speak on his numerous community service activities, they continue to emerge as amazing acts of selflessness. Gwynn is the first to help out with local baseball clinics for youngsters. He is the principal force behind the Padres’ scholarship program. Gwynn’s foundation actively serves the needs of physically and sexually-abused children. Tony and his wife, Alicia, also routinely open their home to troubled youth and have paid for numerous funerals for victims of gang violence. Madam Speaker, I believe Tony Gwynn is fully deserving of the honor of this resolution.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Tuesday, October 2, 2001, the record would reflect that I would have voted:

On Roll 360, HR 169, On Motion to Suspend the Rule and Pass, as Amended, the Notification and Federal Employee Anti-discrimination and Retaliation Act, Yea.

On Roll 361, HJ Res 42, On Motion to Suspend the Rule and Pass, as Amended, the measure Memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland, Yea.

On Roll 362, HR 2904, On Motion To Instruct Conferences, Yea.

I was unable to return to Congress on October 2 due to pressing matters in my district.

RABBI ISRAEL ZOBERMAN’S THOUGHTS ON THE SEPTEMBER 11TH TRAGEDIES

HON. J. RANDY FORBES
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. FORBES. Mr. Speaker, people of all faiths and backgrounds all across the nation are still struggling to comprehend the senseless loss of life and destruction of landmarks that occurred on American soil on September 11th. Rabbi Israel Zoberman of the Congregation Beth Chaim in Virginia Beach, a congregation that draws people from all over the Tidewater area, has sent to me his thoughts on these attacks. Though Rabbi Zoberman has lived and preached in the United States for many years now, he grew up in Israel, and is all too accustomed to living with terrorism as a part of his daily routine. His eloquence might help us all to make sense of these tragedies, and I commend his article to my colleagues’ attention.

So much pain, so many tears, God too is weeping for and with America. We are bowed down by heavy losses knowing that a new, unfamiliar burden has been placed upon us with a new kind of evil in a world gone mad. Yet in the crushing and humbling sorrow now we have touched our most tender humanness, reaching higher national oneness.

We knew of the possibility of a large-scale terrorist attack in the United States, but it is a hard reality to absorb. An empire’s icons of pride and security, seemingly so well grounded, were toppled and penetrated, changing our outer and inner landscape. Surely the apocalyptic images of doomsday born of diabolic design will be etched in the collective American memory, of a day the world held its breath and a heartbeat was forever lost. There is an insidious insecurity creeping in with such a shock that only time will ease.

The terrifying cloud of dust and ashes with dazed relatives looking for loved ones had a Holocaust resonance to it, and the devastation’s wide scope bore a World War Two signature. Terrorism’s essence is to disrupt a normal way of life, assaulting us physically, psychologically and spiritually. Their target was our very pluralism and inclusiveness by a merciless enemy threatened by our freedom and global reach, feeling inadequate anarchy with varied and dangerous extremism, profiling and stereotyping certain religious and ethnic affiliations. Fundamentalism of whatever ilk is irreconcilable with the pluralistic tapestry of the grand American model. The urgency of faith, family and fellowship for support and healing has been highlighted. We reject a culture of death with its terrorists-martyrs’ messengers within the United States or in the Middle East, as we uphold the sanctity of each human life, reaffirming our democratic values and ideals. However, the need for interfaith and cultural dialogue is more vital than ever.

We are grateful for the many heroic rescuers who died while rushing to help and those who tirelessly search for survivors—they all reflect the true divine presence of inexhaustible goodness, encountering inexhaustible human evil. We are present in our military with its shining presence in Hampshire Roads, poised to defeat civilization’s adversaries. An uncertain era has begun even as the American dream, albeit bruised but more essential for survival, lives on. Will a new world order sans terrorism finally emerge out of disorder?
Mr. BARCIA. Mr. Speaker, I rise today to honor Bob Tenbusch for his induction into the Michigan State Polka Music Hall of Fame. Contemporary polka is a melting pot of musical influence from the vast array of immigrants that came to the United States and is representative of the diverse cultural backgrounds of our nation.

Bob began to play the trumpet when he was 12 years old. He started performing in polka bands after school and continued to do so throughout his high school years. In 1974, Bob founded his own band, which he called the Melody Makers. The band became popular throughout the Midwest and eventually performed at the Michigan Polka Festival, which is one of the largest polka events in the United States.

As the members of the 174th Assault Helicopter Company gather for their 2001 reunion, I wish to extend a heartfelt “thank you” for their actions in Vietnam and Laos. During this dangerous and uncertain time, we are reminded that in every generation, the world has produced enemies of freedom. The evidence of this fact is clear today after the recent attack on America. The resolve and commitment of those who have fought for freedom throughout our history continues to be the calling of our time.

The proud legacy of the 174th Assault Helicopter Company is the inspiration for today’s America and those who will be called to serve. We can never repay them except by promising each other to never forget. God bless the men of the 174th AHC and their families. I hope that their reunion is a success and I wish them well in the future.

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s three previous representatives, Dr. Thomas Hobbins. There are many who have been disappointed by the results of his visit, but he has not been disappointed by the positive impact his work has had on the lives of Marylanders. He combined a rare selflessness with a level of grace and serenity that has on countless occasions proven its high spirit and “can do” attitude as is so appropriately emblazoned on the Company crest—“Nothing Impossible.”

The resolve and commitment of those who have fought for freedom throughout our history continues to be the calling of our time. The proud legacy of the 174th AHC remains. They proved that the preservation of freedom required heroic sacrifice. They proved that their loyalty to American ideals and their desire for peace was their first priority. When our country needed them, they answered the call, and served proudly. It is this same spirit of sacrifice and duty that has made this nation great.

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. WELDON of Pennsylvania, Mr. Speaker, I rise today to pay tribute to the 174th Assault Helicopter Company (AHC), Dolphins & Sharks (both pilots and enlisted crew members) who played such an important role during their service in Vietnam and Laos during 1966–1971. They will be gathering once again for their reunion in Fort Walton Beach, Florida on October 5, 6, and 7 of 2001.

The contribution of the 174th AHC to the American war effort is significant and they should be recognized for their valor. The personnel of the 174th AHC were an elite group formed at Fort Benning, Georgia in 1965. The 174th was deployed to Vietnam by U.S. Navy ships in 1966, landing at the Vietnamese port of Qui Nhon. The unit’s three primary “homes” in Vietnam were Lane Army Heliport near Qui Nhon (1966–II–Corps), Duc Pho in Quang Nai Province (1967–II–Corps), and Chu Lai, base camp for the American Division (also I–Corps). The 174th flew various models of the UH–1 “Huey” helicopter. The unit served long and proud in Vietnam and saw much combat action in the rice paddies and mountains in the northern half of South Vietnam from 1966 until 1971, and in Laos during Operation Lam Son 719 in 1971.

Representative of the sacrifices of this great country is the proud and gallant record of combat service of the 174th AHC. Members of this company engaged the enemy and the engagements were fierce. Sixty members of this special corps of Dolphins and Sharks died gallantly for the cause of freedom. They shall not be forgotten. The 174th AHC has on countless occasions proven its high spirit and “can do” attitude as is so appropriately emblazoned on the Company crest—“Nothing Impossible.”

The proud legacy of the 174th remains. They proved that the preservation of freedom required heroic sacrifice. They proved that their loyalty to American ideals and their desire for peace was their first priority. When our country needed them, they answered the call, and served proudly. It is this same spirit of sacrifice and duty that has made this nation great.

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s three previous representatives, Dr. Thomas Hobbins. There are many who have been touched by his good will, and I am proud to count myself among them.

IN MEMORY OF C. DONALD BRADY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. KUCINICH, Mr. Speaker, I rise today to honor the memory of a great citizen, C. Donald Brady.

Born in Connellsville, Pennsylvania, Mr. Brady was a truly selfless individual. In his spare time he enjoyed canoeing and fly-fishing, but he dedicated himself to others that stands out. Mr. Brady passed away recently but left in his path a long established pattern of giving.

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s three previous representatives, Dr. Thomas Hobbins. There are many who have been touched by his good will, and I am proud to count myself among them.

PROCLAMATION FOR STEVEN FUCALORO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s three previous representatives, Dr. Thomas Hobbins. There are many who have been touched by his good will, and I am proud to count myself among them.

PROCLAMATION FOR STEVEN FUCALORO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s three previous representatives, Dr. Thomas Hobbins. There are many who have been touched by his good will, and I am proud to count myself among them.
York's outstanding young students, Steven Fucalo. This young man has received the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and the spirit of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to the possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Steven and bring the attention of Congress to this successful young man and his family.

---

**SEARCH AND RESCUE DOGS**

**HON. BENJAMIN A. GILMAN**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, October 3, 2001**

Mr. GILMAN. Mr. Speaker, I am introducing H. Con. Res. 241, which recognizes the service of the search and rescue dogs who have been an integral part of the ongoing emergency response efforts in New York, Washington, and Pennsylvania following the tragic events of September 11.

Our Nation has witnessed the valiant courage and selfless sacrifice of our public safety officers as well as ordinary citizens in the wake of these horrendous barbaric terrorist attacks. It should be noted that these search and recovery efforts have been aided by the service of more than 300 specially trained rescue dogs which possess unique sensory abilities that allow them to perform many tasks that cannot be conducted as efficiently by people.

These rescue dogs, working in tandem with their equally courageous handlers, have endured exhaustion, exposure to noxious fumes and active fires, risks from falling debris, and other hazards during the rescue and recovery efforts. Accordingly, we should recognize the contribution of these highly trained canines along with those brave men and women who have risen to the challenge of responding to this tragedy.

W. CON. RES. 241

Whereas thousands of Americans and citizens of other nations perished in the terrorist attacks on the United States on September 11, 2001;

Whereas many police officers, firemen, and other emergency rescue workers also perished or were injured in their heroic efforts to save people at the site of the World Trade Center, New York, New York, and also worked in the rescue and recovery efforts at the Pentagon outside Washington, D.C., and at the site of the airline crash in Pennsylvania;

Whereas the rescue operations also involved more than 300 trained service dogs that performed rescue and recovery duties, particularly in New York City;

Whereas these dogs performed their duties at serious risk to their health and welfare and suffered injuries during the rescue and recovery process; and

Whereas these dogs were an important component of the larger rescue and recovery efforts; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that:

(1) more than 300 specially trained rescue and recovery dogs were instrumental in the emergency response operations in New York, Pennsylvania, and Virginia in the aftermath of the terrorist attacks on the United States on September 11, 2001;

(2) these dogs have unique sensory abilities that allow them to perform a set of tasks that cannot be conducted as efficiently by people;

(3) these dogs, working in tandem with their handlers, endured exhaustion, exposure to noxious fumes and active fires, risks from falling debris, and other hazards during the rescue and recovery efforts; and

(4) the Nation owes a debt of gratitude for the service given by these dogs.

---

**PERSONAL EXPLANATION**

**HON. WALTER B. JONES**

**OF NORTH CAROLINA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, October 3, 2001**

Mr. JONES of North Carolina. Mr. Speaker, on rollover No. 362, I was unable to vote. Had I been present, I would have voted "yes."

---


**HON. CARRIE P. MEEK**

**OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, October 3, 2001**

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of immediate relief for the tens of thousands of workers who have lost their jobs as a result of the September 11th terrorist attacks. Since September 11th more than 100,000 airline employees have lost their jobs. Many thousands more workers in industries directly and indirectly affected by the disruption of the airline industry also have been laid off. Small businesses also have been hit very hard by the September 11th attacks. Many of them lost key customers who constituted the lion's share of their business, as well as key suppliers who enabled them to do business.

The September 11th attacks have radically altered business prospects throughout our country. No community has been spared. While even places thousands of miles from the destruction of September 11th have been severely affected, tourist-dependent communities that rely upon the airlines and the hotel industry, like my home town of Miami, have been particularly hard hit.
Unfortunately, it seems clear that we have not yet hit bottom. Many more hard working Americans, through no fault of their own, soon will lose their jobs. Mr. Speaker, all of these workers desperately need our help and they need it now.

Mr. Speaker, the human costs of this economic downturn for many of our fellow Americans are truly staggering. Airline and airport workers, transit workers, employees who work for airline suppliers such as service employees and plane manufacturers, all face common problems and challenges. Their mortgages, rents, groceries, and utilities all must be paid. Food must be placed on the table. Children must be clothed. Health care costs must be covered.

While some will get by by depleting their savings, the vast majority of those who have lost their jobs have little or no savings to deplete. All of these workers need a strong, flexible and lasting safety net, the kind that only the Federal government can provide.

With no income coming in and little prospect for prompt re-employment within their chosen field, these displaced workers must search for new jobs while few firms are even hiring. While some will find new positions quickly, many, if not most, will not. Some of this unemployment will be structural as some of these industries will be downsizing permanently. As a result, many workers will have to retrain in a new field or receive additional training in their chosen field simply to get re-employed.

So what is it that these workers need? Just like those workers who qualify for help under the Trade Adjustment Assistance Program, workers who lost their jobs because of the September 11th attacks need extended unemployment and job training benefits (78 weeks instead of 26 weeks). Those workers who would not otherwise qualify for unemployment benefits need the 26 weeks of benefits that H.R. 2946 would provide.

They especially need COBRA continuation coverage, that is, they need to have their COBRA health insurance premiums paid for in full for up to 78 weeks, or until they are re-employed with health insurance coverage, whichever is earlier. Those without COBRA coverage need Medicare.

Mr. Speaker, this Congress acted quickly and responsibly to meet the challenges posed by the September 11th attacks. We acted as one to pass the Joint Resolution authorizing the use of United States Armed Forces against those responsible for the attacks against the United States. We heeded the call of all Americans and said: Never again.

We stood shoulder to shoulder with President Bush, our Commander in Chief, firmly united in our resolve to identify and punish all nations, organizations and persons who planned, authorized, committed, or aided the terrorist attacks of September 11th, 2001. We set out to join with our allies in the coalition of nations united in our resolve to identify and punish all nations, organizations and persons who planned, authorized, committed, or aided the terrorist attacks of September 11th, 2001 and who continue to plan and engage in acts of terrorism.
American style developed that reflected the melting pot musical talents of the many immigrants who came to this country.

Like many polka lovers, Benny was introduced to the music at an early age and quickly developed a passion for it. During his school years, Benny played for weddings, dances, house parties, and at many other functions. He was drafted into the army at eighteen and during his enlistment he joined a band called the Drifters. Once back home, Benny went on to play for the Golden Stars and most recently in the Polka Music Sound. Many fans have come to know Benny through bus trips he has organized throughout Michigan and Ohio for the promotion of polka music. He also hosts polka dances and is a part-time disc jockey for WKJC-FM in Tawas City.

For Benny and others, polka is more than just a type of music, it is a lifestyle that represents a culture and a warmth of spirit that attracts people from all over the world. Polka fans have their own language, with words such as "tubs" to describe a drum set or "boxmen" to describe a concertina or accordion player. Benny has earned a reputation not only as a fine musician, but as someone who honors the customs and traditions of polka music so that future generations also will be able to enjoy it.

Mr. DEUTSCH. Mr. Speaker, I ask my colleagues to join me in congratulating Benny Prill on achieving the Michigan Polka Music industry’s highest honor. As a keeper of the polka flame, Benny will ensure that good music and lively dancing will live on for many years and I am confident that he will find even more ways of providing venues for all to enjoy the melodic energy of the polka.

HONORING MARVIN GREENBERG

HON. PETER DEUTSCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all those who knew him. A man who served his country proudly, and a man who displayed immeasurable love for his work, his community, his life, and his family. It brings me great sadness to report that Marvin Greenberg of Plan- tation, Florida, passed away on September 24, 2001 at the age of 81.

Marvin Greenberg was born in Brooklyn, New York, where he was raised and attended high school. Upon graduation, he began what would become a long and successful career in music. He was a natural musician and demonstrated a passion for the music at an early age. He was drafted into the army at eighteen, and during his enlistment he joined a band called the Drifters. Once back home, Benny went on to play for the Golden Stars and most recently in the Polka Music Sound. Many fans have come to know Benny through bus trips he has organized throughout Michigan and Ohio for the promotion of polka music. He also hosts polka dances and is a part-time disc jockey for WKJC-FM in Tawas City.

Marvin became a frequent visitor before the Motor Vehicle Owners’ Right to Repair Act

HON. EDOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 3, 2001

Mr. TOWNS. Mr. Speaker, on August 2, 2001, I introduced HR 2735, "The Motor Vehicle Owners’ Right to Repair Act of 2001” to ensure that all motorists have the freedom of choice of where, how and by whom to have their vehicles repaired, maintained and to choose the parts of their choice. I introduced HR 2735 to offer protection to consumers who will suffer from high, non-competitive prices. But since the introduction of HR 2735, my state of New York and the United States have been changed forever by the devastating attacks of September 11th on American lives, our way of life, and our economic foundations. It is now more important than ever for the passage of HR 2735, which will bring economic relief to consumers and small business.
Since September 11th, many citizens have chosen to drive their vehicles to work, to recreation and to vacation sites, rather than take other means of public transportation. This means that consumers will be spending an ever-increasing amount of time in their vehicles. And, that means that these vehicles will need more parts replaced.

Another consequence of September 11th is the attack on America’s economic foundation. Many businesses will close their doors due to the inability to continue to provide consumer services. Now, more than ever, we in Congress must work to bolster business, not hinder it with the economic chains of monopolies. Passage of HR 2735 will keep the doors open for many in the automotive aftermarket, allowing the domino effect of recovery to continue.

HR 2735 will open the door to motoring consumers who are away from home, whether for business or pleasure, to have unforeseen repairs and parts replaced at the shop of their choice and with the parts of their choice. HR 2735 will allow motoring consumers to dispense with the lock-out of information they face at dealerships, whether they are away from home, whether for business or pleasure, to have unforeseen repairs and parts replaced at the shop of their choice and with the parts of their choice. HR 2735 will keep the doors open for many in the automotive aftermarket, allowing the domino effect of recovery to continue.

The end result is that motorists have become chained to the car manufacturers and their car dealers in order to have their vehicles repaired and parts replaced. Instead of exercising America’s free-market ability to choose the automotive technician, shop and parts of their choice—or even work on the vehicles themselves, this lock-out of information has forced motorists to return to car dealers and forced them in many instances into paying higher, noncompetitive costs. Simple tasks such as having an ignition key duplicated can cost $45 or more.

Passage of HR 2735 is essential to the economic structure of the vehicle independent repair industry, as well as the limited budgets of many consumers and their safety.

Passage of HR 2735 will allow motorists who do not live near car dealerships to have their vehicles quickly and efficiently repaired, without being forced into driving a great distance in a problematic car to a dealership, to have unforeseen repairs and parts replaced at the shop of their choice and with the parts of their choice. Passage of HR 2735 will empower motorists and will not restrict their choices of repair shops, including the desire of those who wish to go to their car dealerships. It will allow motorists to actually own the repair and parts information to their own vehicles and to be the ultimate decisionmakers—instead of the car manufacturers—and of their own vehicles.

Now more than ever is the time for Congress to protect the consumers and small business sound, not pigeon-holed into unnecessary and expensive monopolies. Freedom to choose and to compete is the American Way.

POMONA VALLEY WORKSHOP’S 35TH ANNIVERSARY

HON. GARY G. MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. GARY MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of the Pomona Valley Workshop on its 35th Anniversary of dedicated service to individuals with developmental disabilities in Western San Bernardino County and Eastern Los Angeles County.

The Pomona Valley Workshop is one of the largest employers in the city of Montclair and strives to maintain the highest of standards in its provision of traditional and innovative services. As an active member of the local community, the Workshop’s efforts to improve the public’s understanding of issues which affect persons with disabilities have resulted in strong community support and volunteer efforts.

I salute the Pomona Valley Workshop on the outstanding role it has played in assisting adults with disabilities achieve their highest level of employment and community integration. I wish them continued success in their exemplary endeavors.

ATTACKS ON SIKHS SUBSIDING—STILL UNDER SIEGE IN INDIA

HON. EDOPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. TOWNS. Mr. Speaker, I am glad that the attack on Sikhs and other Americans in the wake of the September 11 attacks has subsided. While there are still some incidents, Sikhs, Muslims, and other Americans are safer now then they were a week or two ago. That is good news.

However, Sikhs continue to be under assault in India. The Indian government holds over 52,000 Sikhs as political prisoners. It has murdered over 250,000 Sikhs since 1984. A few months ago, Indian troops were caught red-handed trying to set fire to a Gurdwara (a Sikh temple), but Sikh and Muslim villagers prevented them from carrying out this atrocity.

This is part of a long pattern of violation of the rights of Sikhs and other minorities by the Indian government. The attacks on Sikhs in America, which are terribly unfortunate and should be condoned by all, have been incited carried out by individuals. That is a key difference. Much of the problem is that since the Sikhs don’t have their own country, Americans and others don’t know who they are. This is one more reason why a free Khalistan is essential.

Khalistan is the Sikh homeland which declared its independence from India on October 7, 1987. This week marks Khalistan’s independence anniversary. It will also see the annihilation of the Council of Khalistan, the government pro temor of Khalistan which leads its independence struggle.

Given India’s apparent reluctance to cooperate with the United States in our war on terrorism, American support for a free Khalistan and for freedom for the Kashmiris, for pre-dominantly Christian Nagaland, and for all the other nations seeking their freedom is more urgent than ever. We must do what we can to extend the glow of freedom all over the world. We can help that along by maintaining our sanctions on India, by cutting off our aid to India until human rights are respected, and by supporting an internationally-supervised plebiscite on the question of independence for all the nations of South Asia. Our war on terrorism is about preserving freedom. Let’s not forget that freedom is universal.

TRIBUTE TO TY MARBUT AND OTHER YOUNG MONTANA HUNTERS

HON. DENNIS R. REHBERG
OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 2001

Mr. REHBERG. Mr. Speaker, hunting in Montana is one of our nation’s time-honored traditions. Each fall thousands of Montanans men and women traverse our mountains, forests and prairies in pursuit of a wide range of large and small game.

One of the greatest stalwarts of the Second Amendment to the U.S. Constitution is Gary Marbut, who is president of the Montana Shooting Sports Association. Gary works tirelessly with the Montana Congressional Delegation to protect our vanishing right to keep and bear arms.

The June 2001 issue of the National Rifle Association’s “American Hunter” contains Gary’s article “A Kid’s First Elk Rifle.” It details the strong father and son bonding involved in his son Ty’s preparations to hunt elk and get comfortable with the proper rifle. I commend my colleagues to read this article that embodies how hunting and family values are still very much in vogue in Montana.

A KID’S FIRST Elk Rifle

(Ry Gary Marbut)

Tyrel turned 11 last fall, which means he’s old enough to hunt elk when he passes hunter safety. I began thinking what the criteria would be for a good rifle for an 11-year-old boy. It would need to be light enough to carry, pack enough punch to take the animal, have suitable accuracy for successful 200-yard shots, and minimal recoil so as not to terrify a young shooter and cause him to flinch.

Fortunately, there are so many choices the real problem is not finding something suitable, but narrowing the field. I first looked at my own collection. A rifle that I’ve always liked is my Ruger semi-auto carbine in .44 Magnum. This rifle has a clear and wide little 4x scope with the old post reticle. This seemed the ideal choice for Ty. It has a short stock, much of the recoil is soaked up by the semi-auto action, the .44 Magnum is enough for elk with well-placed shots, and since I hunt elk with a .44 Magnum revolver, we could practice with, carry, and use the same ammo. I would prefer to shoot elk with this rifle under 150 yards, and I did ponder the safety aspect of a semi-auto for a kid’s first hunting rifle. However, this rifle had one large added benefit: it is the same size and shape as a Ruger 10/22, and Ty could hone his shooting skills with my 10/22 and cheaper ammo.

The idea was fine until I suggested it to Ty. “Nope,” he said. “Nothing magnum. Too much recoil.” Kids can be tender, and I
didn’t want to push him. I wanted his first hunting season to be something he’d anticipate and remember.

So I started asking experienced hunting and shooting friends about how they would solve my problem. What amazed me was how wide-ranging the answers were. Some said to get him a .22—most-gosh—magnum and let him learn to shoot and pack it. Others advised that a well-placed head shot on elk with a .223 would always take it down. And I heard everything in between.

I finally decided to narrow the field by choosing what I determined was the minimum caliber. I specified .300 Win. For Ty. I found that if I looked hard enough I could find a Remington 700 in a short-stocked, short-barreled youth configuration, and with a synthetic stock. I had a local dealer order it for me and it arrived a few days before Christmas, in just enough time to slap a 6X Weaver scope on it. It did look nice under the tree, and the look on Ty’s face when he opened it promised a great hunting season.

Still, there was a lot of work to be done. I belonged to the school that believes a person should put a lot of ammo through the gun they’ll hunt with before they go hunting. I had hopes of Ty being able to put several hundred rounds through his new rifle before hunting season, but because recoil had been one of my original concerns, and since this youth model was lightweight, there was no way I was going to subject Ty to several hundred rounds of full-house .308.

I ended up handling some light “plinker” rounds that Ty liked shooting immediately. We practiced until he could place five-round groups of this ammo into a two-inch circle at 100 yards. Spring came around and Ty passed the Montana Hunter Education class, even becoming a junior instructor—quite proud to be the only 11-year-old with that status. A prairie dog shoot later in June allowed him lots of shooting, the two of us going through several gun changes and some 2,000 rounds of ammo in one afternoon alone.

Between the prairie dog shoot and other practice at Creek Range in the Black Hills of South Dakota, Ty consumed almost 400 rounds of his light practice ammo over the summer. The next project was selecting the right ammo for his elk hunt. I tested several kinds, but the bullet I finally selected as the best compromise of weight, shape, cost, and performance was the Hornady 165-grain soft-point boat-tail. Backed by Varget powder in Lake City brass, the bullet would run out of Ty’s barrel at about 2800 fps and group five shots into a half-inch circle at 100 yards. I should say that this ammo makes Ty’s light rifle kick pretty good—he has never fired a round of it. He’s carrying it elk hunting now, and I’ve promised him that when he shoots at an elk, he won’t notice the kick at all.

Ty is 12 now, and though it is currently the second week of elk season in Montana, school has limited the youngster to only two days afield so far. And though we haven’t seen any elk, there’s lots of good hunting within a two-hour drive of where we live. Soon, we hope to be able to put to the final test, a kid’s first elk rifle.

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the October 1, 2001, and the October 2, 2001, editorials from the Omaha World-Herald entitled “Loosely-Goosey Borders: II.” For many years, this Member has argued that it is critical to U.S. security interests to have our government energetically reform and effectively implement visa control for foreign nationals and to screen those foreign nationals who are seeking to be accepted as legitimate refugees or immigrants. As the October 1st editorial notes, “U.S. law enforce- ment agencies should know who is entering the country and where they are supposed to be.”

So I started asking experienced hunting and shooting friends about how they would solve my problem. What amazed me was how wide-ranging the answers were. Some said to get him a .22—most-gosh—magnum and let him learn to shoot and pack it. Others advised that a well-placed head shot on elk with a .223 would always take it down. And I heard everything in between.

I finally decided to narrow the field by choosing what I determined was the minimum caliber. I specified .300 Win. For Ty. I found that if I looked hard enough I could find a Remington 700 in a short-stocked, short-barreled youth configuration, and with a synthetic stock. I had a local dealer order it for me and it arrived a few days before Christmas, in just enough time to slap a 6X Weaver scope on it. It did look nice under the tree, and the look on Ty’s face when he opened it promised a great hunting season.

Still, there was a lot of work to be done. I belonged to the school that believes a person should put a lot of ammo through the gun they’ll hunt with before they go hunting. I had hopes of Ty being able to put several hundred rounds through his new rifle before hunting season, but because recoil had been one of my original concerns, and since this youth model was lightweight, there was no way I was going to subject Ty to several hundred rounds of full-house .308.

I ended up handling some light “plinker” rounds that Ty liked shooting immediately. We practiced until he could place five-round groups of this ammo into a two-inch circle at 100 yards. Spring came around and Ty passed the Montana Hunter Education class, even becoming a junior instructor—quite proud to be the only 11-year-old with that status. A prairie dog shoot later in June allowed him lots of shooting, the two of us going through several gun changes and some 2,000 rounds of ammo in one afternoon alone.

Between the prairie dog shoot and other practice at Creek Range in the Black Hills of South Dakota, Ty consumed almost 400 rounds of his light practice ammo over the summer. The next project was selecting the right ammo for his elk hunt. I tested several kinds, but the bullet I finally selected as the best compromise of weight, shape, cost, and performance was the Hornady 165-grain soft-point boat-tail. Backed by Varget powder in Lake City brass, the bullet would run out of Ty’s barrel at about 2800 fps and group five shots into a half-inch circle at 100 yards. I should say that this ammo makes Ty’s light rifle kick pretty good—he has never fired a round of it. He’s carrying it elk hunting now, and I’ve promised him that when he shoots at an elk, he won’t notice the kick at all.

Ty is 12 now, and though it is currently the second week of elk season in Montana, school has limited the youngster to only two days afield so far. And though we haven’t seen any elk, there’s lots of good hunting within a two-hour drive of where we live. Soon, we hope to be able to put to the final test, a kid’s first elk rifle.
The education lobbying group has seen the light and changed its position. Last month, after the attacks on New York City and Washington, D.C., its spokesman said, “The time for debate on this matter is over, and the time to devise a considered response to terrorism has arrived.”

That is a commendable turn-around, one that college and university leaders would do well to emulate. The idea is not to punish foreign students or inconvenience their schools but to protect Americans from terrorists who might enter the country under false pretenses.

The system needs to be put in place yesterday.

**CHAIRMAN OF CITIGROUP, SANDY WEILL, GIVES A HELPING HAND**

**HON. EDOLPHUS TOWNS**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, October 3, 2001**

Mr. TOWNS. Mr. Speaker, I would like to bring to your attention the insightful article from the October 1 edition of USA Today that reflects the philanthropic efforts of corporate America to assist the victims of September 11. The article illustrates the scope of the corporate philanthropy taking place to help my constituents and all those affected by the attacks. Leading the charge is Citigroup which has set up a $15 million education fund for all the victim’s children. CEO and Chairman of Citigroup, Sandy Weill described the mindset of America’s corporations, as he talked about the company’s employees “not just giving their money but their time and talents” to help the victims.

As we struggle with the grief and new realities before us, I ask that we also look to the compassionate efforts of the individuals and corporate America as a symbol of what makes America great. The efforts of Citigroup and others are not going unnoticed in Washington or across the country and I would ask you all to join me in thanking those who have helped during this time of great need.

(From USA Today, Oct. 1, 2001)

**CORPORATIONS SETTING UP OWN CHARITABLE FOUNDATIONS**

(By Julie Appleby)

Restaurateur Waldy Malouf never thought he’d be running a charity. But he has joined a growing number of executives who are doing just that.

In coming weeks, he’ll be helping decide how to dole out millions of dollars to families devastated by the attack on the World Trade Center.

And he’s not alone. Some big-name corporations, and a few trade associations, have created their own multimillion-dollar relief funds, determining how, where and to whom to give the money.

As the events of the past weeks have been unprecedented, so, too, are these efforts: Corporations don’t generally give direct financial aid to victims.

“We had to take care of our own,” says Malouf, co-owner of Beacon Restaurants, which lost 76 employees in the Windows of the World of the World Trade Center.

He and his business partners spent a whirlwind week creating the Windows of Hope Family Relief Fund, aimed at helping the families of food-service workers killed in the collapse of the towers. Without such a fund, Malouf feared that bus boys and waitresses would be overlooked in the outpouring of support for other victims.

Such efforts are generally being overseen by top business executives, many of whom have served on the boards of charitable organizations.

Philanthropy experts caution that this planning to give direct aid—rather than funneling money through private foundations or established relief groups—face challenges.

“The danger is that companies may be amateurs in running effective relief funds,” says Kirk Hanson, who has studied philanthropy for 20 years and heads an ethics center at Santa Clara University in California. “They will need to look to experts in relief to ensure the money is spent wisely.”

Who, for example, will oversee the funds and provide an accounting of the monies spent? (Funds that obtain charity tax status will report itemized details to the IRS, but not all are seeking that status.)

Which victims will get money and how much? Will the money go only to families of those who died, or could the definition grow to include the injured or the unemployed?

Publicly traded companies may face opposition from shareholders about how money is distributed.

“This is one of the thorniest problems of disaster relief,” Hanson says. “Any charity engaged in direct aid has to struggle with the definition of who is needy.”

Which is what Malouf and other firms wrestled with last week.

“There are a lot of legal and moral and ethical issues that come up that you have to grapple with,” says Malouf.

One example: Three carpenters were working in the Windows on the World Restaurant when the attacks occurred. All three died.

The relief fund, however, is designed to provide an accounting of the monies distributed.

“Some big-name corporations, and a few trade associations, have created their own multimillion-dollar relief funds, determining how, where and to whom to give the money.”

Malouf and other executives say they are either hiring administrators to run the funds or relying on to executives, many of whom have served charitable organizations.

“It’s more difficult (to run a fund), but we’ve always had a philosophy that we have talented executives who can be helpful in working on a lot of things other than business, giving not just of their money, but of their time and talents,” says Sandy Weill, chairman and CEO of Citigroup.

His company, which already supports charities and student programs through its foundation, plans to run its own $15 million scholarship fund to help children who lost parents in any of the attacks, including the one on the Pentagon.

“We’ll sit down with the appropriate people and come up with (eligibility) criteria that will be simple, that people can understand,” Weill says. “I don’t think it’s rocket science.”

Many of the companies that have established funds have earmarked them for specific purposes.

Morgan Stanley has set aside $10 million to aid the families of its own employees who were injured, missing or killed in the World Trade Center, along with families of missing rescue workers.

The National Association of Realtors has raised $2.5 million to help the families of victims from any of the attacks make rent or mortgage payments.

“The money is targeted for families who have lost a breadwinner as a result of the tragedy and might be in jeopardy of missing housing payments, spokesman Steve Cook says.

Money will be given out on a first-come, first-served basis in Massachusetts, Connecticut, New York, New Jersey, Maryland, Virginia and Washington, D.C.

At DaimlerChrysler, executives are pondering whether they want to turn over their $10 million children support fund to an outside organization to manage.

“You need people who have expertise in the endeavor,” spokesman Dennis Fitzgibbons says.

At Alcoa, where a $2 million relief fund has been set up, executives won’t rush to fund anything immediately, preferring to wait to see where the greatest needs are, spokesman Bob Slagle says.

“We believe we are capable of sorting through some of these difficult issues and really making a different,” Slagle says.

“In that case, we know the families, and we probably will help. They might not have been washing dishes, but they were working on the restaurant,” Malouf says.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 4, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

OCTOBER 5

9:30 a.m.  Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for September.
1334, Longworth Building

OCTOBER 9

10 a.m.  Health, Education, Labor, and Pensions
To hold hearings to examine effective responses to the threat of bioterrorism.
SD-430

2:30 p.m.  Commerce, Science, and Transportation
To hold hearings on the nomination of John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy; and the nomination of Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.
SR-253

OCTOBER 10

9:30 a.m.  Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine bus and truck security and hazardous materials licensing.
SR-253

10 a.m.  Environment and Public Works
To hold hearings to review the Federal Emergency Management Agency’s response to the September 11, 2001 attacks on the Pentagon and the World Trade Center.
SD-406

10 a.m.  Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine new priorities and new challenges for the Federal Bureau of Investigation.
SD-226

Health, Education, Labor, and Pensions
Business meeting to consider S. 1379, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; S. 727, to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; proposed legislation with respect to mental health and terrorism, proposed legislation with respect to cancer screening; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; and the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.
SD-430

2 p.m.  Judiciary
To hold hearings on the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy.
SD-226

OCTOBER 11

10 a.m.  Commerce, Science, and Transportation
Oceans, Atmosphere, and Fisheries Subcommittee
To hold hearings to examine the role of the Coast Guard and the National Oceanic and Atmospheric Administration in strengthening security against maritime threats.
SR-253

2:30 p.m.  Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the needs of fire services in responding to terrorism.
SR-253

OCTOBER 12

9:30 a.m.  Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the state of the tourism industry.
SR-253

OCTOBER 16

2:30 p.m.  Veterans’ Affairs
To hold hearings to examine the Department of Veterans Affairs’s Fourth Mission—caring for veterans, servicemembers, and the public following conflicts and crises.
SR-418

OCTOBER 17

10 a.m.  Joint Economic Committee
To hold hearings to examine monetary policy in the context of the current economic situation.
Room to be announced

OCTOBER 18

10 a.m.  Health, Education, Labor, and Pensions
To hold hearings to examine genetic non-discrimination.
SD-430

OCTOBER 23

10 a.m.  Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the drug OxyContin.
SD-430

OCTOBER 24

10 a.m.  Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

POSTPONEMENTS

OCTOBER 5

9:30 a.m.  Health, Education, Labor, and Pensions
To hold hearings to examine the economic security of working Americans and those out of work.
SD-430
HIGHLIGHTS

Senate passed Vietnam Trade Act.
House Committees ordered reported 13 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S10105–S10256

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 1486–1498, and S. Res. 166–167.

Measures Passed:

Vietnam Trade Act: By 88 yeas to 12 nays (Vote No. 291), Senate passed H.J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, clearing the measure for the President.

Ambassador Douglas “Pete” Peterson Recognition: Senate agreed to S. Res. 167, recognizing Ambassador Douglas “Pete” Peterson for his service to the United States as the first American ambassador to Vietnam since the Vietnam War.

Need-Based Educational Aid Act: Committee on the Judiciary was discharged from further consideration of H.R. 768, to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Reid (for Kohl) Amendment No. 1844, in the nature of a substitute.

Aviation Security Act: Senate began consideration of the motion to proceed to consideration of S. 1447, to improve aviation security.

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Friday, October 5, 2001.

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 10 a.m., on Thursday, October 4, 2001.

Measures Indefinitely Postponed:

Vietnam Nondiscriminatory Trade Extension: S. J. Res. 16, approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam.

Nominations Confirmed: Senate confirmed the following nomination:

Robert W. Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

Nominations Received: Senate received the following nominations:

Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Gaddi H. Vasquez, of California, to be Director of the Peace Corps.

1 Army nomination in the rank of general.

A routine list in the Coast Guard.

Messages From the House:

Measures Referred:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Text of S. 1438 as Previously Passed:

Record Votes: One record vote was taken today. (Total—291)
Adjournment: Senate met at 10 a.m. and adjourned at 6:50 p.m., until 10 a.m., on Thursday, October 4, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S10256.)

Committee Meetings

(Committees not listed did not meet)

NORTHERN BORDER SECURITY
Committee on Appropriations: Subcommittee on Treasury and General Government held hearings to examine security efforts along the United States northern border with Canada, how additional emergency funds will be allocated, and future needs in the wake of terrorist activity in the United States, receiving testimony from Robert C. Bonner, Commissioner, U.S. Customs Service, Department of the Treasury; and James W. Ziglar, Commissioner, Immigration and Naturalization Service, Department of Justice.

Hearings recessed subject to call.

BIOTERRORISM
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings to examine bioterrorism issues, focusing on strengthening health surveillance capacity, support for preparedness measures and continued research, and helping hospitals and medical professionals in the face of possible attacks, receiving testimony from Senators Kennedy, Frist, Hagel, and Edwards; Tommy G. Thompson, Secretary of Health and Human Services; Patricia Quinlisk, Iowa Department of Health, Des Moines, on behalf of the Council of State and Territorial Epidemiologists; Jonathon B. Tucker, Monterey Institute of International Studies, Washington, D.C.; Stephen V. Cantrill, Denver Health Medical Center, Denver, Colorado; Rex Archer, Kansas City Health Department, Kansas City, Missouri, on behalf of the National Association of County and City Health Officials; and Jerome M. Hauer, Kroll Associates, New York, New York.

Hearings recessed subject to call.

NOMINATION
Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Harold Craig Manson, of California, to be Assistant Secretary of the Interior for Fish and Wildlife, after the nominee testified and answered questions in his own behalf.

ECONOMIC STIMULUS PACKAGE
Committee on Finance: Committee held hearings to examine the need for an economic stimulus package, focusing on restoring consumer demand, supporting business investment, and helping those affected by the terrorist attacks, receiving testimony from Paul H. O’Neill, Secretary of the Treasury.

Hearings recessed subject to call.

BUSINESS MEETING
Committee on Foreign Relations: Committee ordered favorably reported the nomination of Robert W. Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

Also, committee approved the creation of the following subcommittee:

Subcommittee on Central Asia and South Caucasus: Senators Torricelli (Chairman), Biden, Kerry, Wellstone, Boxer, Lugar (Ranking Member), Hagel, Smith, and Brownback.

The subcommittee deals with matters concerning Central Asia and the South Caucasus, including the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as Armenia, Azerbaijan and Georgia. This subcommittee’s responsibilities include all matters, problems and policies involving promotion of U.S. trade and export, terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee’s regional jurisdiction.

CONSTITUTIONAL FREEDOMS PROTECTION
Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings to examine how to implement the Administration’s proposed legislation to remove impediments to intelligence gathering and coordination between the intelligence and law enforcement elements of the government in order to improve our nation’s defenses against terrorism, while minimizing civil liberties infringement in a manner consistent with our fundamental Constitutional liberties, after receiving testimony from David S. Kris, Associate Deputy Attorney General, Department of Justice; Jerry Berman, Center for Democracy and Technology, David D. Cole, Georgetown University Law Center/Center for Constitutional Rights, Morton H. Halperin, Council on Foreign Relations/Center for National Security Studies, Douglas W. Kmiec, Catholic University of America Columbus School of Law, and Grover Norquist, Americans for Tax Reform/In Defense of Freedom, all of Washington, D.C.; and John O. McGinnis, Yeshiva University Benjamin N. Cardozo School of Law, New York, New York.
House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 3004–5017; 1 private bill, H.R. 3018; and 3 resolutions, H.J. Res. 66; H. Con. Res. 241, and H. Res. 253, were introduced.

Pages H6259–60

Reports Filed: Reports were filed today as follows:

H.R. 1989, to reauthorize various fishery conservation management programs, amended (H. Rept. 107–227); and

H. Res. 252, providing for consideration of H.R. 2883, authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 107–228).

Page H6259

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative LaHood to act as Speaker pro tempore for today.

Page H6165

Guest Chaplain: The prayer was offered by the guest Chaplain, Dr. James A. Scudder, Quentin Road Bible Baptist Church of Lake Zurich, Illinois.

Page H6165

Farm Security Act: The House completed general debate and began considering amendments to H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2001. Consideration will resume at a later date.

Pages H6170–H6237

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 107–326 and modified by the amendment printed in part B of the same report were considered as an original bill for the purpose of amendment.

Page H6187

Agreed To:

Stenholm amendment No. 53 printed in the Congressional Record of Oct. 12 that requires a study to evaluate the effect of farm program payments on the economic viability of rice producers; Pages H6277–28

Stenholm amendment No. 55 printed in the Congressional Record of Oct. 12 that authorizes Puerto Rico to spend up to $6 million to upgrade the electronic data processing system used to provide food assistance and determine eligibility and reallocates funding for the food stamp program in American Samoa;

Page H6228

Traficant amendment No. 62 printed in the Congressional Record of Oct. 12 that requires compliance with the Buy American Act (agreed to by a recorded vote of 418 ayes to 5 noes, Roll No. 364); and

English amendment No. 20 printed in the Congressional Record of Oct. 12 that waives loan deficiency payments and marketing loan gains for Erie County, Pennsylvania producers of certain 1998 and 1999 crops.

Pages H6234–35

Rejected:

Boswell amendment No. 13 printed in the Congressional Record of Oct. 12 that sought to establish a government-owned and farmer-stored renewable energy reserve program (rejected by a recorded vote of 100 ayes to 323 noes with 1 voting “present,” Roll No. 363); and

Pages H6226–27, H6235

Smith of Michigan amendment No. 52 printed in the Congressional Record of Oct. 12 that sought to limit price support payments to producers (rejected by a recorded vote of 187 ayes to 238 noes, Roll No. 365).

Pages H6230–34, H6236–37

Earlier agreed to H. Res. 248, the rule that provided for consideration of the bill by voice vote.

Pages H6167–70

Recess: The House recessed at 2:53 and reconvened at 5:53 p.m.

Page H6237

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6260–61.

Quorum Calls—Votes: Three recorded votes developed during the proceedings of the House today and appear on pages H6235, H6236, and H6236–37. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:15 p.m.
Committee Meetings

LABOR, HHS AND EDUCATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education approved for full Committee action the Labor, Health and Human Services appropriations for fiscal year 2002.

RETIREMENT SECURITY ADVICE ACT

MISCELLANEOUS MEASURES
Committee on Energy and Commerce: Approved, as amended, the following: a measure to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins; a measure to strengthen security at certain nuclear facilities; and a measure to clarify the application of cable television system privacy requirements to new cable services.

Subsequently, the Committee agreed to a motion to combine the three measures into one bill to be introduced and reported.

AMERICAN SPIRIT FRAUD PREVENTION ACT

DISMANTLING THE FINANCIAL INFRASTRUCTURE OF GLOBAL TERRORISM
Committee on Financial Services: Held a hearing entitled “Dismantling the Financial Infrastructure of Global Terrorism.” Testimony was heard from the following officials of the Department of the Treasury: Paul H. O'Neill, Secretary; and Jimmy Gurule, Under Secretary, Enforcement; the following officials of the Department of Justice: Michael Chertoff, Assistant Attorney General, Criminal Division; and Dennis Lormel, Chief, Financial Crimes Section, Criminal Investigations Division, FBI; and public witnesses.

DRUG TRADE AND THE TERROR NETWORK
Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on “Drug Trade and the Terror Network.” Testimony was heard from Asa Hutchinson, Administrator, DEA, Department of Justice; and Bill Boch, Director, Office of Asia, Africa, Europe, and NIS Programs, Department of State.

AL QAEDA AND THE GLOBAL RESEARCH OF TERRORISM
Committee on International Relations: Held a hearing on Al Qaeda and the Global Research of Terrorism. Testimony was heard from Charles Santos, former Special Assistant to the Under Secretary for Political Military Affairs, United Nations; Oliver Revell, former Associate Director of the FBI, in Charge of Investigative and Counter-Intelligence Operations, Department of Justice; and Vincent Cannistraro, former Chief of Counterterrorism Operations, CIA.

ATOMIC ENERGY AGENCY—SAFEGUARDING AGAINST ACTS OF TERRORISM
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on the Role of the International Atomic Energy Agency in Safeguarding Against Acts of Terrorism. Testimony was heard from the following officials of the Department of State: Richard J. Stratford, Acting Assistant Secretary, Bureau of Nonproliferation; and E. Michael Southwick, Deputy Assistant Secretary, Bureau of International Organization Affairs; Steven K. Black, Assistant Deputy Administrator, Office of Arms Control and Nonproliferation, National Nuclear Security Administration, Department of Energy; and William Travers, Executive Director, Operations, NRC.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Ordered reported the following bills: H.R. 2975, as amended, to provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001; H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; and H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

MISCELLANEOUS MEASURES; SUBPOENA; OVERSIGHT—ALTERNATIVE ENERGY SOURCES ON PUBLIC LANDS
Committee on Resources: Ordered reported the following bills: H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; H.R. 980, amended, to establish the Moccasin Bend National Historic Site in the State of Tennessee; H.R. 1576, amended, James Peak Wilderness, Wilderness Study, and Protection Area Act; H.R. 1776, amended, Buffalo Bayou National Heritage Area Study Act; H.R.
CONGRESSIONAL RECORD
— DAILY DIGEST

October 3, 2001

2488, amended, to designate certain lands in the Pilot Range in the State of Utah as wilderness; H.R. 2924, amended, to provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property; H.R. 2925, amended, to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and H.R. 2976, Healing Opportunities in Parks and the Environment Pass Act.

The Committee also agreed to a motion authorizing the Chairman to issue a Subpoena to Mr. Craig Rosebraugh to testify before the Subcommittee on Forests and Forest Health.

The Committee also held an oversight hearing on Potential Alternative Energy Sources Available on National Public Lands. Testimony was heard from the following officials of the Department of Energy: Mary Hutzler, Acting Administrator, Energy Information Agency; and David Garman, Assistant Secretary; J. Steven Griles, Deputy Secretary, Department of the Interior; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a modified open rule, providing 1 hour of debate on H.R. 2883, Intelligence Authorization Act for Fiscal Year 2001. The rule waives points of order against consideration of the bill for failure to comply with clause 3(c) of rule XIII (requiring the inclusion of a statement of general performance goals and objectives). The rule provides that it shall be in order to consider as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The rule provides that the amendment in the nature of a substitute shall be considered for amendment by title and that each title shall be considered as read. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI (prohibiting nongermane amendments). The rule provides for the consideration of only pro-forma amendments for the purpose of debate and those amendments printed in the Congressional Record prior to their consideration, which may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Goss and Representatives LaHood, Wolf, Simmons and Pelosi.

EPA—DEPUTY ADMINISTRATOR FOR SCIENCE AND TECHNOLOGY

Committee on Science: Ordered reported, as amended, H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency.

WETLANDS PERMITTING PROCESS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the Wetlands Permitting Process: Is it Working Fairly? Testimony was heard from Col. Michael J. Walsh, USA, Executive Director, Directorate of Civil Works, Corps of Engineers, Department of the Army; and public witnesses.

FINANCIAL INTELLIGENCE ISSUES BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a briefing on Financial Intelligence Issues. The Subcommittee was briefed by departmental witnesses.

PROTECTING THE HOMELAND FROM ASYMMETRIC/UNCONVENTIONAL THREATS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security held a hearing on "Protecting The Homeland from Asymmetric/Unconventional Threats." Testimony was heard from J.T. Caruso, Deputy Assistant Director, Counterterrorism Division, FBI, Department of Justice; and the following officials of the Defense Science Board, Office of the Secretary of Defense: William Schneider, Jr., Chairman; Roger Hagengruber, Chairman, Task Force on Unconventional Nuclear Warfare Defense; Larry Wright, Chairman, Task Force on Defensive Information Warfare; George Whitesides, Chairman, Task Force on Defense Against Chemical Weapons; Tara O'Toole, Senior Representative, Task Force on Defense Against Biological Weapons; and Peter Merino, Co-Chairman, Task Force on Intelligence Needs for Civil Support.

Joint Meetings

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine United States policy toward the Organization for Security and Cooperation in Europe (OSCE), reviewing U. S. priorities in the 55-nation region,
focusing on human rights and democratic development, after receiving testimony from A. Elizabeth Jones, Assistant Secretary of State for the Bureau of European and Eurasian Affairs; Lorne W. Craner, Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor; Robert L. Barry, former Head of OSCE Mission to Bosnia-Herzegovina; and P. Terrence Hopmann, Brown University Department of Political Science/Thomas J. Watson, Jr. Institute for International Studies, Providence, Rhode Island.

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 4, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the Department of Defense’s Quadrennial Defense Review, 11 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up the proposed International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, 10 a.m., SD–538.

Subcommittee on Housing and Transportation, to hold hearings to examine current transit safety issues, 2:30 p.m., SD–538.

Committee on Finance: to hold hearings on the nomination of Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider S.1465, to authorize the President to provide assistance to Pakistan and India through September 30, 2003; and the nomination of Patrick Francis Kennedy, of Illinois, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, 11:30 a.m., SD–419.

Committee on Governmental Affairs: to resume hearings to examine the security of critical governmental infrastructure, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine current job training issues relative to a fragile economy, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to mark up pending calendar business, 10 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

House

Committee on Education and the Workforce, hearing on Over Identification Issues within the Individuals with Disabilities Education Act and the Need for Reform, 9:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, to mark up the following measures: H.R. 2983, Price-Anderson Reauthorization Act of 2001; and H. Res. 250, urging the Secretary of Energy to fill the Strategic Petroleum Reserve, 9:30 a.m., 2123 Rayburn.

Subcommittee on Health, to mark up H.R. 2887, Best Pharmaceuticals for Children Act, 1 p.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Technology and Procurement Policy, hearing on "Transforming the IT and Acquisition Workforces: Using Market-Based Pay, Recruiting Strategies to Make the Federal Government an Employer of Choice for IT and Acquisition Employees," 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on the Middle East and South Asia, hearing on U.S. Policy Toward Iraq, 1 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 38, Homestead National Monument of America Additions Act; and H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unity of the National Park System, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on Arsenic in Drinking Water: An Update on the Science, Benefits and Cost, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Space Planes and X-Vehicles, 2 p.m., 2318 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Health, to mark up the following bills: H.R. 2716, Homeless Veterans Assistance Act of 2001; H.R. 936, Heather French Henry Homeless Veterans Assistance Act; and H.R. 2792, Disabled Veterans Service Dog and Health Care Improvement Act of 2001, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, to mark up H.R. 2768, Medicare Regulatory and Contracting Reform Act of 2001, 10 a.m., 1100 Longworth.
Next Meeting of the SENATE
10 a.m., Thursday, October 4

Senate Chamber

Program for Thursday: Senate will resume consideration of the motion to proceed to consideration of S. 1447, Aviation Security Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, October 4

House Chamber

Program for Thursday: Complete consideration of H.R. 2646, Farm Security Act (modified open rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Barcia, James A., Mich., E1783, E1784, E1786, E1787, E1788
Bereuter, Doug, Nebr., E1781
Cardin, Benjamin L., Md., E1786
Castle, Michael N., Del., E1784
Deutsch, Peter, Fla., E1789
Eshoo, Anna G., Calif., E1789
Etheridge, Bob, N.C., E1786
Forbes, J. Randy, Va., E1785
Gillman, Benjamin A., N.Y., E1787
Israel, Steve, N.Y., E1786
Jones, Stephanie Tabbs, Ohio, E1785
Jones, Walter B., N.C., E1787
Kucinich, Dennis J., Ohio, E1783, E1785, E1786, E1788
Meek,Currie P., Fla., E1787
Miller, Gary G., Calif., E1790
Morella, Constance A., Md., E1789
Rehberg, Dennis R., Mont., E1790
Shimkus, John, Ill., E1783
Solis, Hilda L., Calif., E1784
Towns, Edolphus, N.Y., E1789, E1790
Walsh, James T., N.Y., E1783, E1785
Weldon, Curt, Pa., E1786

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512-1661. Questions or comments regarding this database can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15256-7954, or phone orders to (202) 512-1800, or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.