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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, October 17, 2001,

I hereby appoint the Honorable John M. Shimkus to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. George Dillard, Peachtree City Christian Church, Peachtree City, Georgia, offered the following prayer:

Almighty God, Creator, the One who with a Word spoke all things into existence and who even now holds all things together by the power of Your might, we come humbly in Your presence today seeking grace and mercy to help in time of need. As we acknowledge You as the sovereign Lord of this Nation, we seek Your will in all the decisions that will be made in this place by these men and women who have given themselves to service of the people. We ask that You give each Member of this House a heart of wisdom. Create, O God, in us a heart committed to You.

Father, we thank You for the blessings of freedom and liberty, for we acknowledge these as Your gifts. It is our prayer that we do not use our freedom and liberty as a covering for evil, but as an opportunity to proclaim Your truths.

Father, our prayer is that the eyes of our hearts might be open so that we can see the evil that seeks to destroy, that we might be prepared to stand against the schemes of the evil one.

We pray for revival in our land, for a return to the truth, morals, and values from Your word that once governed our lives. We ask for the wisdom to trust in You and Your son, Jesus, as the source of our courage, power, and strength to lead us through this present darkness. Father, we do not know what our tomorrows hold, but we do know that You hold our tomorrows.

So then we ask that You bless this House, our President, and the other leaders of this great Nation, cleanse our hearts from every sin, teach us to walk in Your paths and to live in Your righteousness and justice. Bind our hearts together and our minds into one great Nation that honors and serves You. We give You all the glory, the honor, and the praise in the precious name of Your son and our saviour, 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.

Mr. Foley. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. Foley. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. Knollenberg led the Pledge of Allegiance.

Mr. Kingston. Mr. Speaker, it is a great pleasure today to introduce my friend, Dr. George Dillard of the Peachtree City Christian Church in Peachtree City, Georgia.

George Dillard and his wife, Renee, and his children have been friends of mine for many years. We met in 1992 when I was running for office and George helped me a lot, not just in terms of let us get out and get some votes, but as a candidate, you often go through peaks and valleys and many, many dark hours. And George helped me through those, gave me a lot of advice. He also was one of the first persons that I called when my Aunt Louie died because I wanted to ask him a few questions about her beliefs; and George was there to give me some very sage, Biblical advice.

George has been a friend through the period when the guards at the United States Capitol were shot and killed. He was a friend during the trials and tribulations regarding the impeachment debate. He has been a friend through Bosnia and Kosovo, and now Afghanistan. All the perils. He was among the first to call me after the tragedy of September 11 and said, what can I do to help? He has opened this...
Thank you, Mr. Speaker, for being here this morning. Thank you, Chaplain, for inviting him to come up and participate here this morning.

We shall overcome.

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

Mr. KELTON. Mr. Speaker, for a moment let me speak about resolve. We have the tools of terrorism being used against us, whether they be anthrax or whether they be physical destruction. I came back from Missouri Sunday evening after talking with so many of the good folks that I represent, talking with young people; and I sense a deep resolve that I have not seen in a lifetime to overcome the difficulties of terror. So from the heartland to those terrorists: we will win.

There are two things that we must do. Number one, we must continue to fight on. This is a war, and that is how Americans, and we are resolved to do that. Number two, we must show our appreciation to the young men and young women in uniform. It was Cicero who once said that the greatest of all virtues is gratitude. So today in our resolve to go about our business and to keep our country strong, let us show added appreciation and gratitude to those who wear the uniform of the United States. We shall overcome this day.

Nuclear 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, Osama bin Laden’s thirst for destruction is only limited by the tools he has at hand. Last month, his henchmen destroyed the World Trade Center and took almost 6,000 innocent lives. Many of us said at that time that if he had chemical, biological, or nuclear weapons, he would use them.

Well, now we have confirmation. Russia’s Interfax news agency is reporting that al-Qaeda has repeated attempts to buy nuclear material through the Russian Mafia. There is a lot of surplus weapons-grade nuclear material left in Russia left over from the Cold War and some of it has ended up on the black market. Bin Laden established contacts with representatives of Russian organized crime gangs in Germany, Belarus, and Russia. As far as we know, bin Laden has been unsuccessful in his
attempts to purchase or build a nuclear weapon.

but how about all the other terrorist groups? How about Iraq or some other rogue regime?

Mr. Speaker, this revelation makes removing terrorism from the world even more important today than it was yesterday. The terrorists are insane men who must be stopped. Make no mistake, we will do it.

CONGRESS ADJOURNS WITHOUT ASSURING AIRLINE SAFETY FOR THE AMERICAN PUBLIC

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

Mr. INSLEE. Mr. Speaker, the American people are justifiably disappointed in this House that, over 1 month after the attack of September 11, this House has not done a stitch, not a stitch to improve airline safety. When we get on our planes to go back to our districts tomorrow or tonight, we are going to go through knowledge that over 90 percent of the bags that go into the belly of our jets are not screened for explosive devices. That does not help give confidence to the American people.

We now for a month have been asking the majority leadership to schedule a vote on airline safety so we can assure that screeners are well-trained and decently paid and know how to do the job, and so that we put screening devices to make sure they do not put bombs in our luggage that go in the belly of the aircraft. The Republican leadership has not scheduled a vote for over a month. It is just wrong.

I must say that I am disappointed that we are adjourning today for the safety of Congress and our employees, and perhaps that is the right thing to do, I do not know, but it is not the right thing to do when we have not done anything to protect Americans while they are on the airlines.

ECONOMIC AND PERSONAL SECURITY FOR AMERICANS

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. Mr. Speaker, I hate to respond to the gentleman, but he is wrong. Airline safety is great. It is better than it has ever been. The gentleman ought to go through D-FW airport. He would find out. When I was there, I got screened three times. They are looking for bombs.

September 11 is going to live forever in the hearts and minds of those who value freedom and prosperity. One way to give Americans peace of mind during these trying times is to give people more confidence about their bank accounts, retirement plans, and the national economy.

Now more than ever people want economic security as well as personal security. The House economic stimulus plan which we will try to pass next week will do just that by cutting taxes and helping businesses. Under this plan, the average family of four would see their disposable annual income increase by $940 a year. Knowing I had an extra $940 every year sure would make me sleep better tonight.

The old adage applies: Success is the best revenge. I cannot think of a better way to spite those who want to harm our quality of life and capitalist society than by putting more money back into the economy and showing those who wish us harm what we are made of. Terrorists will never take away our hopes and dreams of a better America and a better economy.

A CALL TO FEDERALIZE AIRPORT SECURITY TO ASSURE AIRCRAFT SAFETY

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

Mr. STRICKLAND. Mr. Speaker, with all due respect to the previous speaker, it is true that 90 percent of the luggage that goes into the belly of our aircraft are not screened for explosive devices. If my friend, the gentleman from Texas, would like to challenge that statement, I will relinquish the remainder of my 1-minute so he can do so.

A message from the heartland: The Columbus Dispatch wrote yesterday: "How much more evidence do House Republicans need to convince them that only a top notch security force, paid by the taxpayer and not hired by low-bid contractors, will make the airline more safe as possible? A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it."

Mr. Speaker, airline travel may be marginally safer now than it was before September 11, but it is still not as safe as it ought to be or as safe as we can make it. This House should pass airline safety so that when Americans and their families get on our airplanes, they can have confidence that there is not a bomb within the belly of that airplane.

Until we pass this legislation, we can never have that confidence.

AIRLINE SECURITY CAN BE ACHIEVED WITHOUT FEDERALIZING WORKFORCE

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

Mr. FENCE. Mr. Speaker, I am very pleased to join this debate over airline security today on the floor of the House, and set aside the remarks that I came to make.

My friends on the other side of the aisle would have us believe that this is a choice between one party that is interested in airline security and another party that is not. But Mr. Speaker, there is simply and plainly and baldly not the case.

The reality is that the proposal that has been passed in the other Chamber, the proposal that my Democrat friends support, would create new Federal employees. Our proposal is to do what the President, Mr. Speaker, has called for from the very beginning; that is, new and higher standards, new Federal resources.

But let us not create a new class of Federal employees. Let us not have the people who run the post office or who run our immigration and naturalization and border services providing the security at our airports. It has been tried in Europe. It was rejected and failed. What we need is a strong private security system, create accountability, provide resources.

This Republican will fight to give President Bush the airline security program that he so richly deserves.

TRIBUTE TO THE LIFE OF CAPTAIN JAY JAHNKE OF THE HOUSTON FIRE DEPARTMENT

Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. JACKSON-LEE. Mr. Speaker, this morning I wear the purple and black to honor the fallen firefighter in my community who died this past weekend. This morning we will honor the brave fallen firefighter in my community for many, many years.

I pay tribute to the life of Captain Jay Jahnke, who died on Saturday, October 13, 2001, after trying to rescue residents from a burning high-rise in the City of Houston. Captain Jahnke was a 20-year veteran of the Houston Fire Department. Captain Jahnke represents another perfect example of the brave fire and rescue professionals who put their lives on the line each day in order to protect the public. Every day these professionals take calculated risks that could cost them their lives.

Captain Jahnke never wanted to pursue any other profession besides serving the public as a firefighter. He developed his love for the firefighting profession by watching his father, who also served the public as a district fire chief in Houston, and many, many other relatives.

September 11, 2001, raised the consciousness of America of how important these brave souls are. A firefighter's prayer always is to do the very best that he or she can do. Many of Captain Jahnke's colleagues in the
Houston Fire Department knew him as a well-trained firefighter. Mr. Speaker, with special training in high water rescue and hazardous materials. He is a great leader, a great Houstonian and Texan, but most of all, he is a great American. God bless him and his family.

FINANCIAL ANTI-TERROISM ACT OF 2001

Mr. OXLEY. Mr. Speaker, pursuant to the order of the House of October 16, 2001, I move to suspend the rules and pass the bill (H.R. 3004) to combat the financing of terrorism and other financial crimes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3004

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 “Financial Anti-Terrorism Act of 2001”.

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

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TITLE I—STRENGTHENING LAW ENFORCEMENT

Sec. 101. Bulk cash smuggling into or out of the United States.

Sec. 102. Forfeiture in currency reporting cases.

Sec. 103. Illegal money transmitting businesses.

Sec. 104. Long-arm jurisdiction over foreign money launderers.

Sec. 105. Laundering money through a foreign bank.

Sec. 106. Specified unlawful activity for money laundering.

Sec. 107. Laundering the proceeds of terrorism.

Sec. 108. Proceeds of foreign crimes.

Sec. 109. Penalties for violations of geostrategic targeting orders and certain record keeping requirements.

Sec. 110. Exclusion of aliens involved in money laundering.

Sec. 111. Standing to contest forfeiture of funds deposited into foreign bank that has a correspondent account in the United States.

Sec. 112. Subpoenas for records regarding funds in correspondent bank accounts.

Sec. 113. Authority to order convicted criminal to return property located abroad.

Sec. 114. Corporation represented by a fugitive

Sec. 115. Enforcement of foreign judgments.

Sec. 116. Reporting provisions and anti-terrorism activities of United States intelligence agencies.

Sec. 117. Financial Crimes Enforcement Network.

Sec. 118. Prohibition on false statements to financial institutions concerning the identity of a customer.

Sec. 119. Verification of identification.

Sec. 120. Consideration of anti-money laundering record.

Sec. 121. Reporting of suspicious activities by informal underground banking organizations.

Sec. 122. Uniform protection authority for Federal reserve facilities.

Sec. 123. Reports relating to coins and currency received in nonfinancial trade or business.

TITLE II—PUBLIC-PRIVATE COOPERATION

Sec. 201. Establishment of highly secure network.


Sec. 203. Report to financial services industry on suspicious financial activities.

Sec. 204. Efficient use of currency transmitters abroad.

Sec. 205. Public-private task force on terrorist financing issues.

Sec. 206. Suspicious activity reporting requirements.

Sec. 207. Amendments relating to reporting of suspicious activities.

Sec. 208. Authorization to include suspensions of illegal activity in written employment references.

Sec. 209. International cooperation on identification of originators of wire transfers.


TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING

Sec. 301. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.

Sec. 302. Special due diligence for correspondent accounts and private banking accounts.

Sec. 303. Prohibition on United States correspondent accounts with foreign shell banks.

Sec. 304. Anti-money laundering programs.

Sec. 305. Concerns of domestic financial institutions.

Sec. 306. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups.

TITLE IV—CURRENCY PROTECTION

Sec. 401. Counterfeiting domestic currency and obligations.

Sec. 402. Counterfeiting foreign currency and obligations.

Sec. 403. Production of documents.

Sec. 404. Reimbursement.

TITLE V—FINANCIAL INSTITUTIONS

Sec. 501. Establishment of highly secure network.

Sec. 502. Record keeping.

Sec. 503. Notification to financial institutions.

Sec. 504. Reimbursement.

Sec. 505. Certification.

Sec. 506. Liability.

Sec. 507. International cooperation.

Sec. 508. Authorization to include suspensions of illegal activity in written employment references.

Sec. 509. International cooperation on identification of originators of wire transfers.

Sec. 510. Check truncation study.

SEC. 501. BULK CASH SMUGGLING INTO OR OUT OF THE UNITED STATES

(a) CRIMINAL OFFENSE.—

(1) IN GENERAL.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments traceable to such property, subject to forfeiture of such property to the United States, any property, real or personal, involved in the offense, and any property, real or personal, that is proceeds of, involved in, or traceable to the offense, shall be imprisoned for not more than 5 years, and shall be subject to a fine of not more than $250,000, or twice the value of the property involved in the offense, whichever is greater.

(b) PENALTY.—

(1) TERM OF IMPRISONMENT.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 15 years.

(2) FINE.—In addition, the court, in imposing sentence under paragraph (1), shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property, real or personal, that is proceeds of, involved in, or traceable to the offense, subject to subsection (d) of this section.

(3) PROCEDURE.—The seizure, restraint, and submission of property under this section shall be governed by section 413 of the Controlled Substances Act.
SEC. 101. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

"(b) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any property obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such offense, shall be subject to forfeiture.

(1) the offense involves the manufacture, importation, sale, or other transfer in the United States of a controlled substance as defined in section 101(14); and (2) the terms 'money laundering,' 'laundering of monetary instruments,' and 'money laundering enterprise' include any activity related to the laundering or placement of proceeds from an illegal activity or enterprise.

SEC. 102. FORFEITURE IN CURRENCY REPORTING CASES.

(a) In General.—Subsection (c) of section 3317 of title 18, United States Code, is amended to read as follows:

"(c) Institution of proceedings.—Any person who violates any of the provisions of subsection (a), or who aids or abets the violation, or who conspires to violate any such provision, shall be subject to prosecution."

(b) CONFORMING AMENDMENTS.—

(1) Section 3317(a)(2) of title 18, United States Code, is amended by striking "subsection (a)(2)" and, in the table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new item:

"5331. Bulk cash smuggling into or out of the United States."
Act), or any other conduct described in section 1566(c)(7)(B).

“(ii) the offense would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding one year, and

“(iii) the offense would be punishable under the laws of the United States by imprisonment for a term exceeding one year if the act or activity constituting the offense had occurred within the jurisdiction of the United States.”

**SEC. 109. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORD KEEPING REQUIREMENTS.**

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting “or order issued” after “subchapter or a regulation prescribed”; and

(2) by inserting “; or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “sections 5314 and 5315”;

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—Section 5322 of title 31, United States Code, is amended—

(1) by inserting “; or” after “willfully violating the subchapter or a regulation prescribed”; and

(2) by inserting “; or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “section 5314 or 5315”;

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER ON CERTAIN RECORD KEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after “shall”; and

(2) by striking “section—” and inserting “sections—”;

(d) INCREASE IN CIVIL PENALTIES FOR VIOLATION OF CERTAIN RECORD KEEPING REQUIREMENTS.—

(1) by inserting “(1) FEDERAL DEPOSIT INSURANCE ACT.” after “—”;

(2) by adding the following new subsection:

“(D) MONEY LAUNDERING ACTIVITIES.—

“(1) IN GENERAL.—Any alien who the consular officer or the Attorney General knows or has reason to believe is engaged in activities which if engaged in within the United States would constitute a violation of the money laundering provisions of sections 1955, 1956, 1957, or 1960 of title 18, United States Code, or knowingly assisted, abetted, or conspired or colluded with others in any such illicit activity is inadmissible.

“(2) RELATED INDIVIDUALS.—Any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (1), has, within the previous 5 years, obtained any financial or other benefit from such illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible, except that the Attorney General may, in the discretion of the Attorney General, waive the exclusion of the spouse, son, or daughter of an alien under this clause if the Attorney General determines that exceptional circumstances exist that justify such waiver.”

(b) CONFORMING AMENDMENT.—Section 212(h)(1)(A)(i) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182), is amended by inserting “or (D)(ii) and inserting ‘‘(E)(i) or (E)(ii)’’.”

**SEC. 111. STANDING TO CONTEST FORFEITURE OF FUNDS DEPOSITED INTO FOREIGN BANK ACCOUNTS FOR VIOLATION OF CERTAIN REQUIREMENTS.**

Section 5363 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(k) CORRESPONDENT BANK ACCOUNTS.—

“(1) PREEMPTION.—If a correspondent bank has a correspondent account in the United States, the following definitions shall apply:

“(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act, if funds are deposited into a dollar-denominated bank account in a foreign financial institution, and that foreign financial institution has a correspondent account with a financial institution in the United States, the funds deposited into the foreign financial institution (the respondent bank) shall be deemed to have been deposited into the correspondent account in the United States, and any reordering proceeding, seizure warrant, or arrest or forfeiture proceeding regarding such funds may be served on the correspondent bank, and funds in the correspondent account up to the value of the funds deposited into the dollar-denominated account in the foreign financial institution may be seized, arrested or retracted.

“(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

“(C) NO REQUIREMENT TO GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), the Government shall not be required to establish that such funds are directly traceable to the funds that were deposited into the respondent bank, nor shall it be necessary for the Government to rely on the application of Section 984 of this title.

“(D) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds seized, arrested, or restrained under paragraph (1), the owner of the funds may contest the forfeiture by filing a claim pursuant to section 983.

“(E) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) CORRESPONDENT ACCOUNT.—The term ‘correspondent account’ has the meaning given to the term ‘interbank account’ in section 982(c)(2).

“(B) OWNER.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘owner’—

“(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited, and

“(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

“(ii) EXCEPTION.—The foreign bank may be considered the ‘owner’ of the funds (and no other person shall qualify as the owner of such funds) only if

“(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

“(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligations under this section if the Attorney General determines that exceptional circumstances exist that justify such waiver.”

**SEC. 112. SUBPOENAS FOR RECORDS REGARDING FUNDS IN CORRESPONDENT BANK ACCOUNTS.**

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5331 (as added by section 101) the following new section:
SEC. 115. ENFORCEMENT OF FOREIGN JUDGMENT.

(a) AMENDMENT RELATING TO THE PURPOSES OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—Section 5331 of title 31, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant:

(A) cannot be located upon the exercise of due diligence;

(B) has been transferred or sold to, or deposited with, a third party;

(C) has been placed beyond the jurisdiction of the court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property which cannot be divided without difficulty.

(2) SUBSTITUTE PROPERTY.—In any case described in paragraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.

(b) AMENDMENT RELATING TO AVAILABILITY OF PROPERTY.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(A) TO ENTER A PRETRIAL RESTRAINING ORDER.—In a criminal proceeding, the court may enter a pretrial restraining order under this section, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

"(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.".

SEC. 114. CORPORATION REPRESENTED BY A PU-LIC OFFICER

Section 2666 of title 28, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(B) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SEC. 115. ENFORCEMENT OF FOREIGN JUDGMENT

Section 2667 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting after paragraph (3) the following paragraph:

"(3) PRESERVATION OF PROPERTY.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, or in which the property is located, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

(A) may rely on information set forth in an affidavit filed by United States law enforcement, intelligence, or other than supervisory purposes or by United States intelligence agencies.

No person may object to the restraining order on any ground that is the subject of parallel litigation involving the same property that is pending in a foreign court.

(2) IN GENERAL.—Any foreign financial institution shall maintain records regarding the names and addresses of the owners of foreign financial institution, the name and address of the person who may be served with a subpoena for records regarding any funds transferred to or from the correspondent account.

(3) IN GENERAL.—Any domestic financial institution that has a correspondent account for a foreign financial institution shall maintain records regarding the names and addresses of the owners of foreign financial institution, the name and address of the person who may be served with a subpoena for records regarding any funds transferred to or from the correspondent account.

(4) IN GENERAL.—Any subpoena issued by the Secretary of the Treasury under paragraph (1) to a Government agency, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable the defendant to appear, and to establish the defendant received notice of the proceedings in sufficient time to enable the defendant and inserting "...any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if offense occurred in the United States" after "United Nations Convention..."

"S. 5319. Availability of reports.

"The Secretary of the Treasury shall make information in a report filed under this subsection available to, and by United States intelligence agencies. The Secretary shall, in consultation with the Intelligence Community, make available to any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available only to those that are in receipt of this report. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.

(1) IN GENERAL.—(a) Designation by foreign financial institution of agent.—Any foreign financial institution that has a correspondent account at a domestic financial institution, or has a foreign financial institution pursuant to subsection (b), shall be issued an administrative subpoena for records relating to the deposit of any funds into a dollar-denominated account in a foreign financial institution that maintains an administrative subpoena for records relating to the deposit of any funds into a dollar-denominated account in a foreign financial institution under paragraph (1) to a Government agency, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property; and

(b) Amending relating to reporting of suspicious activities.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "...supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism...".

"S. 5319. Availability of reports:

"The Secretary of the Treasury shall make information in a report filed under this subsection available to, and by United States intelligence agencies. The Secretary shall, in consultation with the Intelligence Community, make available to any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available only to those that are in receipt of this report. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.

(1) IN GENERAL.—(a) Designation by foreign financial institution of agent.—Any foreign financial institution that has a correspondent account at a domestic financial institution, or has a foreign financial institution pursuant to subsection (b), shall be issued an administrative subpoena for records relating to the deposit of any funds into a dollar-denominated account in a foreign financial institution under paragraph (1) to a Government agency, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property; and

(b) Amending relating to reporting of suspicious activities.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "...supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism...".
(2) in paragraph (2), by inserting ‘‘, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism’’ before the period at the end and inserting ‘‘, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism’’ after ‘‘proceedings’’.

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1114(a) (12 U.S.C. 3412(a)(1))—

(A) in subparagraph (A), by striking ‘‘or’’ at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’;

(C) by adding at the end the following new subparagraph:

‘‘(3) in section 1120(a)(2) (12 U.S.C. 3420(a)(2)),—

(A) in subparagraph (A), by striking ‘‘or intelligence or counterintelligence activity, investigation or analysis related to international terrorism for the purpose of conducting such investigations or analyses’’; and

(B) by adding at the end the following new subparagraph:

‘‘(B) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses’’;

and

(2) in section 1120(a)(3) (12 U.S.C. 3420(a)(3)), by inserting ‘‘; or for a purpose authorized by section 1116(a)’’ before the semicolon at the end.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 sections following section 624 as section 625 and

(B) by inserting after the section relating to section 625 (as so redesignated) the following new item:

‘‘626. Disclosures to governmental agencies for counterterrorism purposes.’’

(2) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to reports filed or records maintained on, before, or after the date of the enactment of this Act.

SEC. 117. FINANCIAL CRIMES ENFORCEMENT NETWORK.

The Financial Crimes Enforcement Network which provide financial criminal investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

(iii) identify possible instances of non-compliance with subchapters II and III of chapter 53 of this title of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

(v) determine emerging trends and methods in money laundering and other financial crimes;

(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

(vii) support government initiatives against money laundering.

(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intelligence information related to emerging or ongoing investigations and undercover operations.

(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies, and Government authorities with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

(F) Establish and maintain a special unit dedicated to assisting Federal, State, local, and foreign law enforcement and regulatory authorities in combating the use of informants, nonbank networks and payment and barter systems for laundering funds, and other financial crimes.

(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling for financial crimes.

(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

(i) Administer the requirements of subchapters II and III of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

(c) REQUIREMENTS RELATING TO MAINTENANCE OF USE OR DATA BANKS.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the use or data access service of the financial crimes communications center maintained by the Financial Crimes Enforcement Network which provide—

(i) for the coordinated and efficient transmission of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by the Network, including—

(A) the submission of data through the Internet or other secure network, whenever possible.

(B) The cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and
“(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

“(2) in accordance with section 532a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining:

“(A) who is to be given access to the information maintained by the Network;

“(B) what limits are to be imposed on the use of such information by the financial institution in any connection with a transaction with a financial institution; and

“(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights may be screened out of the data maintenance system.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated for the Financial Crimes Enforcement Network such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005.

(b) COMPLIANCE WITH EXISTING REPORTS COMPLIANCE.—The Secretary of the Treasury shall study methods for improving compliance with the reporting requirements established under section 311, United States Code, and shall submit a report on such study to Congress by the end of the 6-month period beginning on the date of the enactment of this Act and each 1-year period thereafter. The initial report shall include historical data on compliance with such reporting requirements.

(c) ANNUAL REPORT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

“1008. False statements concerning the identity of customers of financial institutions..”

SEC. 118. PROHIBITION ON FALSE STATEMENTS TO FINANCIAL INSTITUTIONS CONCERNING THE IDENTITY OF A CUSTOMER.

(a) IN GENERAL.—Chapter 47 title 18, United States Code, is amended by inserting after section 1007 the following:

“1008. False statements concerning the identity of customers of financial institutions

“(a) I N GENERAL.—Whoever, in connection with information submitted to or requested by a financial institution, knowingly in any transaction with a financial institution, knowingly in any connection with a transaction with a financial institution: 

“(1) falsifies, conceals, or covers up, or attempts to falsify, conceal, or cover up, the identity of any person in connection with any such transaction with a financial institution; 

“(2) makes, or attempts to make, any materially false, fraudulent, or fictitious statement or representation of the identity of any person in connection with a transaction with a financial institution;

“(3) makes or uses, or attempts to make or use, any false writing or document knowing the same to be false, or any materially false, fraudulent, or fictitious, or fraudulent statement or entry concerning the identity of any person in connection with a transaction with a financial institution;

“(4) uses or presents, or attempts to use or present, in connection with a transaction with a financial institution, an identification document or other means of identification the possession of which is a violation of section 1028;

shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) FINANCIAL INSTITUTION.—The term ‘financial institution’ means:

“(A) any financial institution described in paragraph (2);

“(B) in addition, has the same meaning as in section 5312a(2) of title 31, United States Code.

“(2) IDENTIFICATION DOCUMENT.—The term ‘identification document’ has the same meaning as in section 1028a(d); and

“(3) MEANS OF IDENTIFICATION.—The term ‘means of identification’ has the same meaning as in section 1028a(d).

“(b) TECHNICAL AND CONFORMING AMENDMENTS.—

“(1) TITLE 18, UNITED STATES CODE.—Section 1008(a)(2) of title 18, United States Code, is amended by striking ‘1014 (relating to fraudulent loan) and inserting ‘section 1008 (relating to false statements concerning the identity of any person in connection with transactions with a financial institution);’

“(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

“1008. False statements concerning the identity of customers of financial institutions..”

SEC. 119. VERIFICATION OF IDENTIFICATION.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

“(1) IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.—

“(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Treasury shall prescribe regulations setting forth the minimum standards regarding customer identification that shall apply in connection with the opening of an account at a financial institution.

“(2) MINIMUM REQUIREMENTS.—The regulations shall, at a minimum, require financial institutions to establish procedures for:

“(A) verifying the identity of any person seeking to open an account to the extent reasonable and practicable;

“(B) maintaining records of the information used to verify a person’s identity, including name, address, and other identifying information;

“(C) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency or any other person seeking to open an account appears on any such list.

“(3) FACTORS TO BE CONSIDERED.—In prescribing regulations under this subsection, the Secretary shall take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.

“(4) CERTAIN FINANCIAL INSTITUTIONS.—In the case of any financial institution the business of which is engaging in financial activities described in section 4(k) of the Bank Holding Company Act of 1956 (including financial activities subject to the jurisdiction of the Commodity Futures Trading Commission), the regulations prescribed by the Secretary under paragraph (1) shall be prescribed jointly with each Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) and the Commodity Futures Trading Commission.

“(5) EXEMPTIONS.—The Secretary of the Treasury (and, in the case of any financial institution described in paragraph (4), any Federal functional regulator) may, by regulation or order, exempt any financial institution or type of account from the requirements of any regulation prescribed under this subsection in accordance with such standards and procedures as the Secretary may prescribe.

“(6) EFFECTIVE DATE.—Final regulations prescribed under this subsection shall take effect before the end of the 1-year period beginning on the date of the enactment of the Federal Functional Regulator Transparency Act of 2001.

(b) STUDY AND REPORT REQUIRED.—Within 6 months after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) and other appropriate Government agencies, shall submit a report to Congress containing recommendations for—

“(1) determining the most timely and effective way to require foreign nationals to provide domestic financial institutions, and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the requirements of this section;

“(2) requiring foreign nationals to apply for and obtain, before opening an account with a domestic financial institution, an identification number which would function similarly to a Social Security number or tax identification number; and

“(3) establishing a system for domestic financial institutions to review information maintained by relevant Government agencies for purposes of verifying the identities of foreign nationals seeking to open accounts at those institutions and agencies.

SEC. 120. CONSIDERATION OF ANTI-MONEY LAUNDERING RECORD.

(a) BANK HOLDING COMPANY ACT OF 1956.—

“(1) IN GENERAL.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

“(2) MONEYS LAUNDERING.—In every case the Board shall take into consideration the effectiveness of the company or companies in combating and preventing money laundering activities, including in overseas branches.”

(b) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the Board of Governors of the Federal Reserve System under section 3 of the Bank Holding Company Act of 1956 after December 31, 2000, which has not been approved by the Board before the date of the enactment of this Act.

(c) MERGER SUBJECT TO FEDERAL DEPOSIT INSURANCE CORPORATION INSURANCE.—

“(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

“(A) by redesignating paragraph (11) as paragraph (12); and

“(B) by inserting after paragraph (10), the following new paragraph:

“(11) MONEY LAUNDERING.—In every case, the responsible agency shall take into consideration the effectiveness of any insured depository institution in combating and preventing money laundering activities, including in overseas branches.”

SEC. 121. REPORTING OF SUSPICIOUS ACTIVITIES BY INFORMAL UNDERGROUND BANKING SYSTEMS, SUCH AS HAWAS.

(a) DEFINITION FOR SUBCHAPTER.—Subparagraph (R) of section 5312(a)(2) of title 31, United States Code, is amended—

“...
United States Code, is amended to read as follows:

“(B) a licensed sender of money or any other person who engages as a business in the transmission of funds, including such an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institution system;

“(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: ‘‘or any other person who engages as a business in the transmission of funds, including such an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institution system’’;

“(c) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this Act, is amended by adding at the end the following:

“(1) APPLICABILITY OF RULES.—Any rules prescribed pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.

“(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to:

“(1) informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;

“(2) anti-money laundering controls; and

“(3) regulatory controls relating to underground money movement and banking systems, such as the system referred to as ‘hawala’, including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 122. UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.—

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

“(g) UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.—

“(1) Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.

“(2) The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank’s premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.

“(3) Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence or any felony committed under the laws of the United States committed or being committed within the build-

ings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.

“(4) For purposes of this subsection, the term ‘law enforcement officers’ means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.

“(5) The law enforcement authorities provided for in this subsection may be exercised only on the premises, grounds, and operations conducted by or on behalf of the Board and approved by the Attorney General.”.

SEC. 123. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NON-FINANCIAL TRADE OR BUSINESS.

(a) REPORTS REQUIRED.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5332 (as added by section 112 of this title) the following new section:

“SEC. 5333. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NON-FINANCIAL TRADE OR BUSINESS.

“(a) COIN AND CURRENCY RECEIPTS OF MORE THAN $10,000.—Any person

“(1) who is engaged in a trade or business; and

“(2) who, in the course of such trade or business, receives more than $10,000 in coins or currency in 1 transaction (or 2 or more related transactions), shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may prescribe.

“(b) FORM AND MANNER OF REPORTS.—A report is described in this subsection if such report—

“(1) is in such form as the Secretary may prescribe;

“(2) contains—

“(A) the name and address, and such other identification information as the Secretary may require, of the person from whom the coins or currency was received;

“(B) the amount of coins or currency received;

“(C) the date and nature of the transaction; and

“(D) such other information, including the identification of the person filing the report, as the Secretary may prescribe.

“(c) EXCEPTIONS.—

“(1) AMOUNTS RECEIVED BY FINANCIAL INSTITUTIONS.—Subsection (a) shall not apply to amounts received in a transaction reported under section 5313 and regulations prescribed under such section.

“(2) TRANSACTIONS OCCURRING OUTSIDE THE UNITED STATES OR ON THE HIGH SEAS.—Subsection (a) shall not apply to any transaction that occurs outside the United States.

“(3) CURRENCY INCLUDES FOREIGN CURRICULUM AND CERTAIN MONETARY INSTRUMENTS.—

“(4) IN GENERAL.—For purposes of this section, the term ‘currency’ includes—

“(A) foreign currency; and

“(B) to the extent provided in regulations prescribed by the Secretary, any monetary instrument (whether or not in bearer form) with a face amount of not more than $10,000.

“(5) SCOPE OF APPLICATION.—Paragraph (1)(B) shall not apply to any check drawn on a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;”.

(b) PROHIBITION ON STRUCTURING TRANSACTIONS.—

“(1) GENERAL.—Section 5324 of title 31, United States Code, is amended—

“(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

“(B) by inserting after subsection (a) the following new subsection:

“(b) DOMESTIC COIN AND CURRENCY TRANSACTIONS INVOLVING NONFINANCIAL TRADE OR BUSINESSES.—No person shall for the purpose of evading the report requirements of section 5333 or any regulation prescribed under such section—

“(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5333 or any regulation prescribed under such section;

“(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5333 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

“(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.’’.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

“(A) The heading for subsection (a) of section 5324 of title 31, United States Code, is amended by inserting ‘INTEGRATING FINANCIAL INSTITUTIONS’ after ‘TRANSACTIONS’.

“(B) Section 5324(c) of title 31, United States Code, is amended by striking ‘5324(b)’ and inserting ‘5324(c)’.

(c) DEFINITION OF NONFINANCIAL TRADE OR BUSINESS.—

“(1) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

“(A) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

“(B) by inserting after paragraph (3) the following new paragraph:

“(4) NONFINANCIAL TRADE OR BUSINESS.—The term ‘nonfinancial trade or business’ means any trade or business other than a financial institution that is subject to the reporting requirements of section 5313 and regulations prescribed under such section.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

“(A) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking ‘section 5316’, and inserting ‘sections 5333 and 5316’.

“(B) Subsections (a) through (f) of section 5318 of title 31, United States Code, and sections 5321, 5322, and 5328 of such title are each amended—

“(1) by inserting ‘or nonfinancial trade or business’ after ‘financial institution’ each place such term appears; and

“(2) by inserting ‘or nonfinancial trades or businesses’ after ‘financial institutions’ each place such term appears.

“(C) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking ‘5313(a) or 5324(a) of title 31,’ and inserting ‘5313(a) or 5333 or 5324(a) of title 31,’

“(D) Section 982(a)(1) of title 18, United States Code, is amended by inserting ‘3333,’ after ‘5333(a),’

“(e) CLERICAL AMENDMENT.—The tables of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5324 (as added by section 112 of this title) the following new item:

‘‘3333. Reports relating to coins and currency received in nonfinancial trade or business.’’.

(f) REGULATIONS.—Regulations which the Secretary of the Treasury determines are
necessary to implement this section shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—PUBLIC-PRIVATE COOPERATION

SEC. 201. ESTABLISHMENT OF HIGHLY SECURE NETWORK.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a highly secure network in the Financial Crimes Enforcement Network that—

(1) each financial institution to file reports required under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 91-506, or section 16 of the Federal Deposit Insurance Act through the network; and

(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

(b) EXPEDITED DEVELOPMENT.—The Secretary of the Treasury shall take such action as may be necessary to ensure that the website required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of the enactment of this Act.

SEC. 202. REPORT ON IMPROVEMENTS IN DATA ACCESS AND OTHER ISSUES.

Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, after consultation with appropriate Federal financial regulatory agencies (as defined in section 509 of the Gramm-Leach-Bliley Act), shall report to the Congress on the following issues:

(1) DATA COLLECTION AND ANALYSIS.—Progress made since such date of enactment in meeting the requirements of section 310(c) of title 31, United States Code (as added by this Act).

(2) BARRIERS TO EXCHANGE OF FINANCIAL CRIME INFORMATION.—Technical, legal, and other barriers to the exchange of financial crime prevention and detection information among and between Federal law enforcement agencies, including an identification of all Federal law enforcement data systems between which such data cannot be shared for whatever reason.

(3) PRIVATE BANKING.—Private banking activities in the United States, including information on the following:

(A) The nature and extent of private banking activities in the United States.

(B) Regulatory efforts to monitor private banking activities to ensure that such activities are conducted in compliance with subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act.

(C) With regard to financial institutions that offer private banking services, the policies and procedures of such institutions that are designed to comply with the requirements of subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act with respect to private banking activity.

SEC. 203. REPORTS TO THE FINANCIAL SERVICES INDUSTRY ON SUSPICIOUS FINANCIAL ACTIVITIES.

At least once each calendar quarter, the Secretary of the Treasury shall—

(1) publish a report containing a detailed analysis identifying patterns of suspicious activity and other investigative insights derived from suspicious activity reports and investigations conducted by Federal, State, and local law enforcement agencies to the extent appropriate; and

(2) submit a report to financial institutions (as defined in section 5312 of title 31, United States Code).

SEC. 204. EFFICIENT USE OF CURRENCY TRANSACTION REPORT SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress established the currency transaction reporting requirements in 1970 because the Congress found then that such transactions have been used for illegal purposes, including criminal, tax, and regulatory investigations and proceedings, and that the enforcement of such reports has only increased in the years since the requirements were established.

(2) In 1994, in response to reports and testimony that excess amounts of currency transaction reports were interfering with effective law enforcement, the Treasury initiated the currency transaction report exemption requirements to provide—

(A) mandatory exemptions for certain reports that have a usefulness for law enforcement, such as cash transfers between depository institutions and cash deposits from government agencies; and

(B) discretionary authority for the Secretary of the Treasury to provide exemptions, subject to criteria and guidelines established by the Secretary, for financial institutions that are particularly vulnerable to customers that maintain accounts at an institution into which frequent cash deposits are made.

(3) Today there is evidence that some financial institutions are not utilizing the exemption system, or are filing reports even if there is an exemption in effect, with the result that the volume of currency transaction reports is once again interfering with effective law enforcement.

(b) STUDY AND REPORT.—

(1) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of—

(A) the possible expansion of the statutory exemption system under 5313 of title 31, United States Code; and

(B) methods for improving financial institution utilization of the statutory exemption provisions as a way of reducing the submission of currency transaction reports that have little or no value for law enforcement purposes, including improvements in the systems of financial institutions for regular review of the exemption procedures used at the institution and the training of personnel in its effective use.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act and before the end of the 9-month period beginning on the date of the enactment of this Act.

(3) CONCLUSIONS REQUIRED.—In such report the Secretary shall include the following:

(A) The Secretary’s recommendations to the Congress with regard to the study required under subsection (a) and such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

SEC. 205. PUBLIC-PRIVATE TASK FORCE ON TERRORIST FINANCING ISSUES.

Section 1566 of title 31, United States Code (31 U.S.C. 5311 note) is amended by adding at the end the following new subsection:

“(d) TERRORIST FINANCING ISSUES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall provide, either within the Bank Secretariat Advisory Group, or as a subcommittee or other adjunct of the Advisory Group, for a task force of representatives from agencies and officers represented on the Advisory Group, a representative of the Director of the Office of Homeland Security, and representatives of financial institutions, private organizations that represent the financial services industry, and other interested parties to focus on—

“(A) issues specifically related to the finances of terrorist groups, the means terrorist groups use to raise, transfer, and conceal funds, and the extent to which such institutions are at risk as a result; and

“(B) the relationship, particularly the financial relationship, between international narcotics traffickers and foreign terrorist organizations, the extent to which their memberships overlap and engage in joint activities, and the extent to which they cooperate with each other in raising and transferring funds for their respective purposes; and

“(C) means of facilitating the identification of accounts and transactions involving terrorist groups and the exchange of information concerning such accounts and transactions between financial institutions and law enforcement organizations.

“(2) APPLICABILITY OF OTHER PROVISIONS.—Sections 522, 533, and 533(b) of title 5, United States Code, and the Federal Advisory Committee Act shall not apply to the task force established pursuant to paragraph (1).”.

SEC. 206. SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS.

(a) DEADLINE FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR REGISTERED BROKERS AND DEALERS.—The Secretary of the Treasury, in consultation with the Securities and Exchange Commission, shall publish proposed regulations in the Federal Register before January 1, 2002, requiring brokers and dealers registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

(b) SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS, COMMUNITY TRADING ADVISORS, AND COMMODITY POOL OPERATORS.—The Secretary of the Treasury, in consultation with the Commodity Futures Trading Commission, may prescribe regulations requiring futures commission merchants, commodity trading advisors, and commodity pool operators registered under the Commodity Exchange Act to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

SEC. 207. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) AMENDMENT RELATING TO CIVIL LIABILITY IMMUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

“(3) LIABILITY FOR DISCLOSURES.—

“(A) IN GENERAL.—Any financial institution that makes a voluntary disclosure of possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to any person.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

“(i) any inference that the term ‘person’, as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

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“(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.”.

(b) Prohibition on Notification of Disclosures.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

“(2) Form of Requirement.—The special measures described in—

“(a) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

“(b) paragraphs (1) through (4) of subsection (b) may be imposed only by regulation;

“(c) subsection (b)(5) may be imposed only by regulation.

“(2) Duration of Orders; Rulemaking.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326) shall—

“(A) be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

“(B) may not remain in effect for more than 120 days, except pursuant to a regulation prescribed on or before the end of the 120-day period beginning on the date of issuance of such order.

“(3) Process for Selecting Special Measures.—In selecting which special measure or measures to take under this subsection, the Secretary—

“(A) shall consult with the chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

“(B) shall consider whether similar action has been or is being taken by other nations or multilateral groups;

“(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;

“(ii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearing, settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions; and

“(iv) the effect on national security and foreign policy.

“(5) No Limitation on Other Authority.—This section shall not be construed as superceding any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

“(6) Special Measures.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts as is appropriate for such jurisdiction, institution, or class of transactions, include—

“(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—The Secretary may require domestic financial institutions and domestic financial agencies to take or more of the following actions in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, or 1 or more more classes of transaction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions; among others within the United States or covered by any special measure described in this section. The Secretary may do so—

“(2) DISCLOSURE OF EMPLOYMENT REFERENCES.—Where an event or transaction has been reported other than as necessary to fulfill the official duties of such officer or employee—

“(3) DURATIONS OF ORDERS; RULEMAKING.—This section shall not be construed as superceding any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

“(4) Special Measures.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts as is appropriate for such jurisdiction, institution, or class of transactions, include—

“(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—The Secretary may require domestic financial institutions and domestic financial agencies to take or more of the following actions in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, or 1 or more more classes of transaction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions; among others within the United States or covered by any special measure described in this section.
transactions to be of primary money laundering concern.

'(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained for such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including

'(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transferred and

'(ii) the capacity in which a participant in an transaction is acting;

'(iii) the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

'(iv) a description of any transaction.

'(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency, or any such type of account, to be of primary money laundering concern.

'(a) The Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, if such Secretary determines that such information is necessary to the purposes of this subchapter to be of primary money laundering concern and shall include such information as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(b) In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

'(i) In general.—In making a finding that reasonable grounds exist for concluding that a jurisdiction, institution, types of accounts, or transactions are used to facilitate or promote money laundering or other financial crimes, the Secretary shall consider the following:

'(A) ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(B) CORRESPONDENT ACCOUNT.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(C) PAYABLE-THROUGH ACCOUNT.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(D) INSTITUTIONAL FACTORS.—In the case of a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(ii) the relationship between the volume of transactions conducted, as a condition of opening or maintaining in the United States an account in such jurisdiction, and the size of the economy of the jurisdiction;

'(iii) the extent to which that jurisdiction is characterized as an offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

'(iv) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

'(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(A) ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(B) CORRESPONDENT ACCOUNT.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(C) PAYABLE-THROUGH ACCOUNT.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(D) INSTITUTIONAL FACTORS.—In the case of a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(i) the identity and address of the participant in a transaction or relationship, including the identity of the originator of any funds transferred and

'(ii) the capacity in which a participant in an transaction is acting;

'(iii) the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

'(iv) a description of any transaction.

'(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency, or any such type of account, to be of primary money laundering concern.

'(a) The Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, if such Secretary determines that such information is necessary to the purposes of this subchapter to be of primary money laundering concern and shall include such information as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account, maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on an organized exchange or primary trading market), or a representative of such a foreign person, that involves a jurisdiction outside the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, 1 or more financial institutions operating in that jurisdiction, 1 or more financial institutions or multilateral expert groups; or

'(b) In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

'(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

'(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

'(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special regulatory advantages to nonresidents or nonnominaries of that jurisdiction;

'(iii) the extent to which the volume of transactions conducted in that jurisdiction and the size of the economy of the jurisdiction;
within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

"(3) DEFINITION.—The Secretary shall prescribe regulations defining beneficial ownership of an account for purposes of this subchapter. Such regulations shall not be limited to an individual's direct or indirect authority to fund, direct, or manage the account (including the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.

"(4) OTHER TERMS.—The Secretary may, by regulation, further define the terms set forth in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate."

(b) FINANCIAL INSTITUTIONS SPECIFIED IN SUBCHAPTER II OF CHAPTER 33 OF TITLE 31, UNITED STATES CODE.—

(1) CREDIT UNIONS.—Subparagraph (E) of section 3132(b) of title 31, United States Code, is amended by adding after the item relating to credit unions the following new item:

"(E) Any credit union;"

(2) FUTURES COMMISSION MERCANTILE, COMMODITY TRADING ADVISOR, OR COMMODITY POOL OPERATOR.—Subparagraph (E) of section 3132 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) ADDITIONAL DEFINITIONS.—For purposes of this subchapter, the following definitions shall apply:

1. Certain institutions included in definition.—The term ‘financial institution’ as defined in subsection (a) includes the following:

(a) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered under the Commodity Exchange Act.

(b) CPTC included.—For purposes of this Act and any amendment made by this Act to any other provision of law, the term ‘Federal functional regulator’ includes the Commodity Futures Trading Commission.

(c) Clerical Amendment.—The table of sections at the end of chapter 2 of title 33 of title 31, United States Code, is amended by inserting after the item relating to section 3132 the following item:

"S31A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern;"
SEC. 106. INTERNATIONAL COOPERATION IN INVESTIGATIONS OF MONEY LaunderING, FINANCIAL CRIMES, AND THE FINANCING OF TERRORIST GROUPS.

(a) Negotiations.—It is the sense of the Congress that, in addition to the existing requirements of section 4702 of the Anti-Drug Abuse Act of 1988, the President should direct the Secretary of the Treasury, the Attorney General, or the Secretary of the Treasury, as appropriate and in consultation with the Board of Governors of the Federal Reserve System, to negotiate with the appropriate financial supervisory agencies and other officials of any foreign country, with which a financial institution or which conducts business with United States financial institutions or which may be utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(b) AUTHORITY TO ENSURE NEEDED AGREEMENTS.—The President shall, in such negotiations, request the financial institution responsible for compliance with the regulations prescribed under subsection (a) that such agreements be made.
(1) by inserting “analog, digital, or electronic image,” after “impression, stamp,”; and
(2) by striking “ten years” and inserting “20 years.”
(g) POSSESSING OR SELLING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 479 of title 18, United States Code, is amended by striking “analog, digital, or electronic image,” after “imprint, stamp,”; and
(i) CONNECTING PARTS OF DIFFERENT NOTES.—Section 484 of title 18, United States Code, is amended by striking “five years” and inserting “10 years.”

SEC. 402. COUNTERFEITING FOREIGN CURRENCY AND OBLIGATIONS.

(a) FOREIGN BANK NOTES OR SECURITIES.—Section 478 of title 18, United States Code, is amended by striking “five years” and inserting “20 years.”
(b) TRESPASS COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 479 of title 18, United States Code, is amended by striking “three years” and inserting “20 years.”
(c) POSSESSING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 480 of title 18, United States Code, is amended by striking “one year” and inserting “20 years.”
(d) KEYS, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING FOREIGN OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 481 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

“Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, transmits, reproduces, sells, or has in such person’s control, custody, or possession, an analog, digital, or electronic image of any bond, certificate, obligation, or other security of any foreign government, or of any treaty note, bill, or promise to pay, lawful money of any foreign government and intended to circulate as money; or”;

(2) INCREASED SENTENCE.—The last paragraph of section 481 of title 18, United States Code, is amended by striking “five years” and inserting “25 years.”

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 481 of title 18, United States Code, is amended by striking “or stones” and inserting “or stones, or analog, digital, or electronic images.”
(3) CLEANCHEM. AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 481 by striking “or stones” and inserting “or stones, or analog, digital, or electronic images.”

(e) FOREIGN BANK NOTES.—Section 482 of title 18, United States Code, is amended by striking “two years” and inserting “20 years.”
(f) UTTERING COUNTERFEIT FOREIGN BANK NOTES.—Section 483 of title 18, United States Code, is amended by striking “one year” and inserting “20 years.”

SEC. 403. PRODUCTION OF DOCUMENTS.

Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking “The Secretary of the Treasury” and inserting: “(1) IN GENERAL.—The Secretary of the Treasury”; and
(2) by adding at the end the following new paragraph:

“(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needed for the United States, produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such action would be consistent with the foreign policy of the United States.”.

SEC. 404. REIMBURSEMENT.

Section 445 of title 18, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting “, any foreign government, or any territory of the United States” after “agency”; and
(2) in the second sentence, by inserting “and other” after “administrative”; and
(3) in the last sentence, by inserting “, foreign government, or territory of the United States” after “agency.”

The SPEAKER pro tempore (Mr. SHIMkus). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LaFalce) each will control 20 minutes.
The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE
Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3004 and to include extraneous material on the bill.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.
Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3004, the Financial Anti-terrorism Act of 2001. The United States financial services industry overwhelmingly approved this bill last week in a near unanimous vote of 62 to 1, signalling a strong consensus among Republicans and Democrats alike, administration officials, and the financial services industry, that the time for business as usual is far over.

There is little dissent among us. Strong anti-money laundering measures are needed and needed now. We recognize that failure to move swiftly could leave an open door to future attacks against our citizens and refuse to stand idly by. This bill and the strong bipartisan support it enjoys represents a resounding pledge of congressional support for the President in fulfilling his vow to starve terrorists of their funding.

In the months since the devastating attacks of September 11, we have learned how easily the terrorists used American dollars and the world-class services of the American financial system to underwrite their deadly operations. At our October 3 committee hearing, we heard testimony from Treasury undersecretary for enforcement, Jimmy Gurule, on how terrorist operatives from bin Laden’s organization, al-Qaeda, utilized checks, credit cards, ATM cards, wire transfer systems and brokerage accounts throughout the world, including the U.S. He testified that al-Qaeda uses banks, legal businesses, front companies, and underground financial systems to finance the organization’s activities, and that some elements of the organization rely on profits from the drug trade.

He also pointed out how some Islamic charities have been penetrated and their fund-raising activities exploited by terrorists.

Another witness, Deputy Assistant Attorney General for the Justice Department’s Criminal Division, Mary Lee Warren, warned that the United States is fighting with outdated weapons in the war against money laundering and flagged serious problems associated with international smuggling of cash and with the need for new laws and new laws that enable criminals in one country to conceal their funds in another.

Chief of the Financial Crimes Section of the FBI’s Criminal Investigations Division, Dennis Lormel, echoed that concern when he testifed how terrorists and other criminal organizations rely heavily upon wire transfers. He flagged correspondent banking as another potential in the financial services sector that can offer terrorist organizations a gateway into U.S. financial services.

The private sector money laundering experts subsequently described in detail how underground black market banking operations, like the ancient South Asian Hawala money transfer system, are used by criminals to finance their operations.

Mr. Speaker, I applaud the efforts the administration has already taken to disrupt the financial infrastructure of international terrorist organizations. Those actions include the creation of a new foreign terrorist asset tracking center, the issuing of a strong executive order to block the financial assets of terrorists and their supporters, the passage by the United Nations of a U.S.-drafted resolution calling on all governments to freeze terrorist assets, and the immediate widespread mobilization of the U.S. financial services industry to assist in ferreting out the money trail of these terrorists.

Implementing these early initiatives, H.R. 3004 gives the administration new and improved tools to fight the financial war against terrorism. Here is how.

First, the bill significantly strengthens the hand of law enforcement by enhancing bulk cash and wire smuggling laws, making it easier to prosecute illegal money service businesses, making the provision of material support to terrorists a predicate offense for money laundering, barring the entry of aliens suspected of money laundering, or other criminal activities.

Second, the bill strengthens procedures for obtaining foreign bank records relevant to terrorists or other criminal organizations.
Second, the bill enhances private-public cooperation between Federal agencies and the financial services industry. The bill requires the creation of a private-public task force on terrorist financing, as well as the establishment of a funding mechanism for law enforcement, and requires Treasury to report regularly to industry on the utility of the reports that are being filed.

The bill also seeks to reduce the number of bank-filed reports where they have been sent to Treasury for review in 2000 who dissented in 2001. It largely reflects legislation that then largely performed.

In closing, let me simply say that this package is balanced and comprehensive. It reflects input from Members on both sides of the aisle, as well as from the White House, the Treasury Department, and the Justice Department.

I want to personally thank my good friend and ranking minority member, the gentleman from New York (Mr. LaFalce), for his tireless efforts on this bill. I know he has been a leader on this bill over a number of years, and it has finally come to fruition, thanks to his cooperative efforts.

I urge my colleagues to give H.R. 3004 their full support and vote aye.

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

Mr. LaFalce. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the Financial Anti-Terrorism Act of 2001 provides a new array of weapons in the fight to disrupt the funding of criminals and international terrorist organizations. Our strong legislation was adopted by our Committee on Financial Services by a 62 to 1 vote.

The committee’s product provides the President and the executive branch an array of new weapons to combat terrorist funding and money laundering. It largely reflects legislation that then chairman, the gentleman from Iowa (Mr. Leach), and I worked on together during the last Congress, along with Stu Eizenstat, the Deputy Secretary of the Department of the Treasury, which also passed our committee on a broad bipartisan basis in 2000, again with only one dissenting vote, the same individual dissenting in 2000 who dissented in 2001.

That legislation, like today’s, was conceived in an effort to track and impede those funds used by criminals and terrorists to conduct their activity. Our medicine today is strong medicine, but it is fair medicine. It is balanced medicine, and the need for it is compelling. If we cannot take strong steps to impede the funding of terrorist activity in light of recent events, I do not know what incentive would take.

Our antiterrorism package on which the House acted on Friday was a good package, and I strongly supported, but it was incomplete. It was incomplete because it did not contain today’s vital provisions. It is imperative that to-day’s bill be a comprehensive antiterrorism package to give the President the full range of tools he needs.

The legislation that the chairman, the gentleman from New Jersey (Mrs. Roukema), and I and so many others worked on is a balanced consensus product. It was developed through extensive bipartisan consultation with members of the committee, with members of other committees, with the administration, with the financial services industry, etc.

Reasonable accommodations were made by all sides to garner overwhelming bipartisan support that was achieved at last Thursday’s committee markup and as recently as late last night. We will not win the fight against terrorism unless we cut off the funding of al-Qaeda and other terror organizations. Our strong legislation is not an option for either the House or the Senate or for America.

Let me say that I regret that, while the committee also included provisions last week with respect to illegal Internet gambling, they were dropped from this bill, but I understand that because that was problematic. It was filled with contentious issues that had not been adequately contained in the Senate bill. The administration opposed the language that the committee reported out on Internet gambling last week. I regret that but we still reported it out, and I look forward at the earliest possible moment of bringing that legislation to the floor of the House of Representatives separately and advancing it.

In the meantime, this administration has presented us with a task force, and this Justice Department can interpret those laws on the books and enforce them both criminally and civilly very aggressively, and so I call on Attorney General John Ashcroft to pursue illegal Internet gambling with even more aggressiveness in the future, not only to cut it off because of its troublesome impacts societally, but because according to the testimony of the FBI, it too is being used to launder clean money for dirty purposes and dirty money for transparent cosmetic purposes.

So pass today’s bill and let us have the administration aggressively pursue existing law on Internet gambling and let the full House take up the Internet gambling provisions in the future in an expeditious manner as possible.

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

Mr. Oxley. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. Roukema), the vice-chairman of the committee.

Mrs. Roukema. Mr. Speaker, I thank the Chair, and I want to associate myself with the statements of our chairman and our ranking member. They have properly outlined the benefits of this bill, and I also want to thank the chairman for his leadership in bringing this bill before the Congress.

As many of my colleagues know, former Congressman McCollum and I had a bill 2 years ago that very closely tracked this bill, and it was a proposal put forth by Attorney General Ashcroft recently. The key elements in this bill that have been outlined here. They were able to be included. The due diligence for correspondence accounts, private banking accounts, requirements for financial institutions to have money laundering programs about the authorization of Treasury regulations governing the so-called concentration accounts.

These are essential provisions that I fully expect will be maintained in the final product. Certainly, I do everything we can to assure that.

I would like to also say thanks to the gentleman from Ohio (Mr. Oxley), and the bill that was passed in Committee on Financial Services, that there were provisions to make it a crime to smuggle more than 10,000 in currency in and out of the United States. Unfortunately, these provisions were among those that were removed from the bill, and in fact, in my opinion it was unwarranted and injudicious, if my colleagues get it, get the reference, because it was not our committee that removed them.

The point is finally, and I do not have too much time, the point is that this is important legislation. It would make a mockery of the anti-terrorist bill if we do not have, as I think the gentleman from New York (Mr. LaFalce) alluded to, if we do not have strong money laundering legislation as a component of it. It would make a mockery of it and cripple law enforcement, both protecting the terrorist money network.

I urge all of our colleagues, it may not be perfect, but it is essential legislation that we must support; and it is a significant step down the right track to cripple the terrorist network.

Mr. LaFalce. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. Maloney), who has so personally experienced the terrorist attack and who also has been a multi-year advocate of the strongest possible money laundering legislation.

Mrs. Maloney. Mr. Speaker, I rise in strong support of the
bipartisan anti-money laundering legislation produced by the Committee on Financial Services.

As we move to pass comprehensive antiterror legislation, this work product, which was approved 62 to one, must be in any legislation that the President signs. Since September 11, our Nation has dedicated its resources to fighting terrorism on all fronts. The brave men and women of our military are targeting the terrorists overseas. Our security agencies are working around the clock to seek out domestic threats, and our law enforce-

This antimony laundering legislation provides critically needed tools to help law enforcement in these efforts. Like any business, money is as important as oxygen to terrorists. This legislation aims to cut off their oxygen.

In the past, money laundering has been associated with drug cartels and criminal organizations that attempt to wash money that is the product of illegal activities. Fighting this form of terrorism, we face a new challenge. In addition to stopping money that comes from illegal sources, we must stop money that comes from front charities, overseas businesses, and underground financial systems such as hawala. This bill targets all of these.

The sources of terror money are wide spread. The New York Times recently reported that al-Qaeda has gone so far as to use profits from Mid-East honey trading to fund terror. While it will never be possible to plan for every inevitability, this legislation greatly increases our ability to detect suspicious flows of money, no matter what their source. The legislation gives Treasury the authority to impose additional due diligence requirements on U.S. institutions when they conduct business with individuals or banks in weak money laundering enforcement countries.

In the past, terrorists such as Osama bin Laden have used accounts in the Sudan or other countries to set up correspondent accounts with U.S. banks and wire money to individuals in the United States. This provision directly targets such relationships.

The legislation criminalizes the concealment of $10,000 or more in currency to avoid reporting requirements. All the provisions of H.R. 3004 greatly increase cooperation between the private sector, the financial services regulators, and law enforcement. Communication and cooperation among these divergent interests is key to coordinating resources and cutting off terror money.

Global money laundering is an immense problem. The IMF has conserv-

We are at one of the last moments if there is any hope whatsoever of trying to put a curb on something that is very destructive to the economy and very difficult for individual human beings. And a footnote to the Internet gambling issue is that gambling is one of the great techniques of laundering money. We have to put a footprint on where launderers move their money. One issue that has been given little attention in our war against terrorism is that the chief export of the Taliban is illegal drugs. Hence, efforts on both fronts have been essential in crafting this legislation.

One of my deepest concerns in our efforts to dry up the funding sources for terrorist activities is how we can combat hawalas. This is an international underground economic system by which financial operators in different locations honor each other’s financial obligations by making payments in a way which avoids taxes and tariffs. There is no movement of money between countries; hence no taxes and tariffs are paid. At best, there are very small traces of the transactions. This legislation takes the first important step to combat hawala by enforcing the law against unlicensed money trans-

If we are going to win the war on terrorism, we must fight it on every front. This is an important bill in that battle.

Mr. Speaker, September 11 we have learned a great deal about Osama bin Laden and the al-Qaeda terrorist network. We know that in addition to a complex global financial network, these financial networks have many funds and a personal fortune of $300 million that Osama bin Laden has. Alarmingly, evidence suggests that organizations in the United States and abroad have cloaked themselves as charitable organizations to help funnel those funds to al-Qaeda.

The President has already frozen the assets of the Wafa Humanitarian Organization, the Al Rashid Trust, the Makhtab al-Khidamat, and most recently, the Society of Islamic Cooperation. These were groups that were supposedly charitable organizations, but were mere conduits for raising money for the treacherous acts of September 11.

In committee, Mr. Speaker, I introduced an amendment that the chair-

Mr. Speaker, we know that this bill and the gentleman from Iowa (Mr. LEACH), the former chairman, have concerns. The judgment is that the President signs. Since Septem-

If we are going to win the war on terrorism, we must do better. Mr. Speaker, I rise today in strong support of this act. This legislation takes substantive steps to combat money launderers and drug traffickers move their money. One issue that has been given little attention in our war against terrorism is that the chief export of the Taliban is illegal drugs. Hence, efforts on both fronts have been essential in crafting this legislation.

One of my deepest concerns in our effort to dry up the funding sources for terrorist activities is how we can combat hawalas. This is an international underground economic system by which financial operators in different locations honor each other’s financial obligations by making payments in a way which avoids taxes and tariffs. There is no movement of money between countries; hence no taxes and tariffs are paid. At best, there are very small traces of the transactions. This legislation takes the first important step to combat hawala by enforcing the law against unlicensed money transmitting businesses.

There have long been laws on the books to ensure that money-transmitting businesses be licensed, these laws have been unenforceable due to court rulings which require knowledge
of the law and willful intent. In effect, the law is unenforceable. Section 103 of this legislation removes the standard and tightens up the law to ensure that law enforcement has the tools to go after the threat.

This legislation takes important steps to ensure that more financial institutions have in place antimony laundering programs. But this is not a one-size-fits-all mandate; and size, location, and activities of a business are taken into account. This will ensure every institution, from the very large financial institutions, with billions in transactions every day, to small stores that offer wire transfers, has in place internal policies and procedures and controls to minimize their susceptibility to inadvertently assisting criminals.

We know the terrorists of September 11 were savvy and familiar with the law. We know that the terrorists used money orders and had bank accounts. We know the terrorists were careful not to attract attention to themselves before they carried out their plans of terror, murder, and destruction. We must take steps to ensure that if future manipulations take place, law enforcement will be notified in time to prevent acts of cowardice.

The Financial Anti-terrorism Act takes these steps. I urge support of the bill.

Mr. LaFalce. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. Shimkus). The gentleman from New York (Mr. LaFalce) has 10 1/2 minutes remaining, and the gentleman from Ohio (Mr. Oxley) has 9 minutes remaining.

Mr. LaFalce. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Lee).

Ms. Lee. Mr. Speaker, I want to thank the ranking member for yielding me this time. I also want to thank our chairman and ranking member for bringing this bipartisan bill to the floor in such an expedited fashion. This important legislation will help crack down on terrorists using our financial services and having access to funds through money laundering.

While I am strongly supportive of this bill, I had intended to offer a very simple amendment that I hope can be included in conference which would require the Department of Justice and Treasury to report to Congress on how the terrorists in the September 11 attacks acquired and used credit and debt cards.

We still do not know how the terrorists accessed the credit cards they used to rent cars, purchase airline tickets, and take other actions that facilitated the terrorist attacks. Did they steal other people's identity? Did financial institutions have the tools that they needed to do thorough checks before giving out these cards? We just do not know.

I would like to mention a quote from today's New York Post with reference to this issue. According to the New York Post, in an article today, and I quote, "The most recent charge on one of the cards came 2 weeks ago, a full 3 weeks after the terrorist strike, a law enforcement official told the Post.

"We must take every step possible to shut down access to the terrorists. Finding out how they got credit and debt cards is one of the important steps in this process. So I would like to thank my colleagues, our ranking member, the gentleman from New York (Mr. LaFalce), and our chairman for this bill; and I ask them and suggest to them to include this provision in the conference committee.

Mr. Oxley. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. Green).

Mr. Green of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time and rise in support of the Financial Anti-terrorism Act. I appreciate how quickly and how wisely the chairman, the gentleman from Ohio (Mr. Oxley), and the ranking member, the gentleman from New York (Mr. LaFalce), moved on this subject.

Mr. Speaker, in this new war we fight against unanticipated enemies, and we fight against an unconventional and at least initially unexpected. Our enemies seek to turn our own systems, financial and transportation, against us. But today we fight back.

Today, we approve new weapons for this new war. We authorize new broader searches of international mail; we make a new Federal crime of falsifying a customer's ID in a transaction with a financial institution. This bill directs the Secretary of the Treasury to set up a new secure Web site dedicated to the filing of suspicious activity reports by financial institutions and providing those institutions with alerts.

Last week on the antiterrorism bill and this week on the financial antiterrorism bill some have questioned why we moved so quickly. But we have men and women in harm's way overseas; we have them in harm's way abroad. Let us act boldly, let us act creatively, and let us act today. Please support this bill.

Mr. LaFalce. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Bentsen).

Mr. Bentsen. Mr. Speaker, I rise today in strong support of H.R. 3004, the Financial Anti-terrorism Act of 2001. As original cosponsor of this legislation, I want to commend the chairman and the ranking member, as well as the former chairman, the gentleman from Iowa (Mr. Leach), for the work that they have done on this bill.

This is not the first time that this legislation has come to light. In fact, last year the Committee on Banking passed this legislation overwhelmingly. And while we were unable to get it through the House and through the other body last year, and while our motivation last year was probably less focused on terrorism as it was on public corruption and other forms and drug-running corruption and other forms of money laundering, the body of the legislation is encompassed in the bill. I hope to see it finally seeing the light of day.

This bill will give our Federal financial agencies and law enforcement agencies the tools necessary to combat money laundering. And while, as one of our colleagues said, this new war is not a silver bullet, this will help choke off the resources that terrorist organizations and other corrupt organizations need in order to operate. We learned in this country in the last century, in efforts to combat organized crime, that if we could cut off the flow of money, we could start to cut off the flow of activity. And the same would be true here.

This legislation gives the Treasury Department very important authority to ensure that financial institutions with which we are working, with money laundering organizations, including terrorist organizations, will not have access to the U.S. financial payment systems if they do not comply with appropriate internationally recognized banking standards that deal with money laundering. And it is terribly important that it is in this bill.

Now, we, over the year, have taken great effort with the administration to include appropriate due process so that everyone gets a fair shake under this bill, but this is an important bill in the way it is structured.

I would also like to point out two things. The bill is going to require bringing new requirements on a number of U.S. financial institutions, and that is unfortunately a price that we have to pay. I hope that the regulators look closely at this and do not create too much burden, but we have to enforce this bill.

I am pleased that the committee included an amendment of mine that would not sanction U.S. financial institutions for over-reporting. On the one hand, we want them to report; but we should not sanction them for over-reporting. We ought to work with those institutions.

In addition, I appreciate the work of the committee in including, for instance, that would allow the U.S. Justice Department to help enforce foreign judgments against U.S. entities which have had these judgments brought against them overseas to ensure that such judgments of law do not conflict with U.S. law and, thus, we protect the rights of U.S. citizens. So I appreciate the chairman and the ranking member for the work they did on that.

This is a critical piece of legislation. I am glad to see it has been brought up. I commend the chairman and the ranking member, as well as the former chairman, the gentleman from Iowa (Mr. Leach), who brought this up last year; and I hope the House will pass it unanimously.
Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I rise today in support of a critical piece of legislation which I believe is needed to attack the core foundation of terrorist organizations.

The Financial Anti-Terrorism Act of 2001 provides law enforcement and financial oversight officials with critical tools necessary to dismantle the fundraising abilities of terrorist networks. It is my understanding that terrorists used small amounts of cash and remained well below the checkpoints currently in place to catch financial criminals.

The Financial Anti-Terrorism Act of 2001 will enhance the ability of law enforcement agencies to identify and detect terrorist-related transactions and attack the financial infrastructure of these organizations.

It will enhance cooperation between the Government and private institutions and their abilities to detect and disrupt terrorist funding as well as prevent terrorists from accessing the U.S. financial system through foreign countries and institutions.

President Bush stated this will be a war like no other, where we will fight our enemy both on the field of battle and in the halls of our financial institutions. This legislation strikes at the ability of terrorist networks to launder their money and strengthen their ability of our law enforcement agencies, and I urge my colleagues to support this legislation.

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

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I speak as the gentleman for yielding me this time. I will be voting for H.R. 3004, the Financial Anti-Terrorism Act of 2001.

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

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman for yielding me this time. I will be voting for H.R. 3004 and support most of its provisions, but I have some reservations about some features of the bill.

Section 301 is designed to give the Treasury Secretary new powers to identify and punish governments that fail to control money laundering. However, some of the provisions in this section are controversial, particularly the criteria that the Treasury Secretary is supposed to use when determining whether a jurisdiction is a money laundering concern.

A jurisdiction should be punished if it refuses to suspend bank secrecy when presented evidence of a serious crime like terrorism. But the mere existence of privacy should not be a cause for concern. The appropriate criteria should be evidence of money laundering, particularly if conducted with the government’s complicity. It would be wrong to characterize a nation as harboring money laundering activities simply because they offer lower taxes than European or U.S. and other nations.

Lower taxes are often designed to foster economic growth of a nation that is engaging in the lower-tax policy. It should not be interpreted as evidence of money laundering.

Mr. Speaker, I believe that bill falls short in providing the reassurances needed to ensure that a country is not placed on a blacklist simply because they have relatively lower taxes.

I believe strongly that a jurisdiction should be punished if it refuses to suspend bank secrecy when presented with evidence of a serious crime like terrorism, murder, or drug smuggling, but the mere existence of financial privacy should not be a cause for concern. Also, the presence of a vibrant financial services sector is an odd criterion to be used as evidence of money laundering. Using this criterion, New York City and London would likely be classified as money laundering centers.

The appropriate criterion should be evidence of money laundering, particularly if conducted with a government’s complicity. It would be wrong to characterize a nation as harboring money laundering activities simply because they offer lower taxes than European or U.S. and other nations.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. LAFalCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF) because of an anticipatory association on my part with the remarks of the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I do not know that I have 4 minutes to speak, but I thank the gentleman.

I am very disappointed that the language of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFalCE) with regard to money laundering and gambling has been taken out.

Gambling is beginning to destroy families and fundamentally corrupt this country. It is bringing about the breakup of families and now we see the influence of it coming into this Chamber, whereby here was an opportunity to deal with money laundering and to do it in a way that would be a positive thing; yet it was removed.

I want to thank the chairman, the gentleman from Ohio (Mr. OXLEY), because I know he supports this language. And I want to thank the gentleman from New York (Mr. LAFalCE) and the gentleman from Iowa (Mr. LEACH). If this Congress adjourns without dealing with the issue of money laundering with regard to gambling, it will be an indictment of this institution.

Mr. Speaker, this, on my side, is the reason that I signed the discharge petition with regard to campaign finance reform because we cannot have the spread of gambling continue in this Nation and not deal with it every chance we have.

I thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFalCE). We ought not to lose this opportunity. Maybe for good reasons the gentlemen had to move ahead with this bill and abandon this opportunity to deal with what is taking place in this country; but we cannot let anti-gambling legislation languish.

Mr. Speaker, we need to continue to push to pass legislation to help families.

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

Mr. WOLF. I yield to the gentleman from New York.

Mr. LAFalCE. Mr. Speaker, the gentleman from Virginia knows that I have been advocating greater regulation for gambling, even before he began in 1994; but the administration was not supportive of the provisions that we passed. I want to come to the floor separately as soon as possible. I know that is the desire of the gentleman from Ohio (Mr. OXLEY) and the desire of the gentleman from Iowa (Mr. LEACH). We will do it, and we will do it together with the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to make sure that what I say does not reflect on the gentleman from Ohio (Mr. OXLEY), and I appreciate the efforts of the gentleman.

The reason I feel so strongly is that gambling is running rampant in the country. The addiction rate, particularly among the young is skyrocketing, and for those of us on both sides of the aisle who care about the young, this will enable somebody to sit in their bathroom at home and gamble, and literally take their family down the road to bankruptcy. This legislation is important, and I appreciate the gentleman’s efforts. I look forward to an opportunity to pass such legislation.

Mr. Speaker, I include for the RECORD two articles regarding Internet gambling.

NEVADA APPROVES ONLINE GAMBLING

By Matt Richtel

The Nevada Legislature voted yesterday to authorize regulators to license casinos to offer gambling over the Internet, the first time a state has moved to legalize the potentially lucrative but highly controversial business of online gambling.

The Legislature passed the bill on the last day of its every-two-year session, despite objections by some state senators who said it would permit only big, politically powerful casino corporations to participate. A spokesman for Gov. Kenny Guinn said he supported the idea of Internet gambling but would not make a decision about signing the bill until he had read it in its final form.

Even if he does approve, it is far too clear when Las Vegas’s most powerful casinos will be able to offer gambling over the Internet, or whom they will hire. Federal law enforcement officials say operation of an Internet casino is illegal under the
Wire Act, but legal experts say it is not clear whether the courts concur with that interpretation, and, as a result, whether casinos will need to seek a change in federal law. The industry regulators that they have technology to prevent bets from being placed by minors or by anyone living in a jurisdiction where gambling is illegal, which is a key part of the law.

If the Nevada Gaming Commission finds those criteria are met, it would have the power to “adopt regulations governing the licensing and regulation of interactive gaming.” Industry observers said that while the bill authorized regulators to license casinos, it did not dictate where they would be located. It would, however, effectively legalize it in the future—a major victory for casinos that advocate online gaming.

“Right now, the industry has been supportive, by and large, of an Internet gambling ban,” said Bryan, D-Neve. “But every indication is that in another year, segments of the industry will break ranks and jump into this market with both feet, I think that would be terrible public policy.”

Bryan complained by Brian Sandoval, the chairman of the Nevada Gambling Commission, that it may be only a matter of time before the state Legislature is asked to authorize Internet gambling.

“One analogy is the number of operators who were staunchly opposed to Indian gaming, and now many of those same casinos are in business with the tribes,” Bryan said.

The industry’s top lobbyist in Washington insisted that casinos are not preparing forays into the Internet until the tax issue is resolved. The administration has approved the gambling control boards in Nevada, New Jersey and Mississippi are ready for that,” he said.

But if Internet gambling is authorized in those states, Bryan said, the gaming control boards will be required to stop casinos from expanding into the Web.

Bryan was the leading Democratic co-sponsor of an Internet gambling ban proposed by Sen. Jon Kyl, R-Ariz., that cleared the Senate in November by voice vote.

But to become law, the ban must be passed by the House, and prospects there appear uncertain. One reason: a turf battle between two powerful committee chairmen.

On April 6, the House Judiciary Committee voted 21-8 in favor of an Internet gambling ban by Rep. Bob Goodlatte, R-Va.

The vote appeared to pave the way for a vote by the full House. But the vote has been delayed because the chairman of the House Ways and Means Committee, Rep. Richard A. Gephardt, D-Mo., said he does not support the ban.

Bryan said he and Rep. Bob Goodlatte, R-Va., have asked House Speaker Dennis Hastert, R-Ill., to give his panel jurisdiction over the bill.

Ironically, Billey is friends with Goodlatte, and the lawmakers play tennis together.

“We are optimistic that the Judiciary Committee will hear the legislation, and the bill will be going to the House floor soon,” said Goodlatte spokeswoman Michelle Semones. She said she had no idea when Hastert would make a decision on Billey’s request.

The Commerce Committee is seeking oversight because it claims the bill would impose a mandate on Internet service providers to help enforce the gambling ban.

The judiciary panel argues it should have sole jurisdiction because the bill includes criminal penalties up to $20,000 in fines and four years in prison for companies offering gambling on the Internet.

Billey has clashed with Judiciary Committee Chairman John D. Ashcroft, R-Mo., over the number of jurisdictional issues regarding the Internet.

“Not the first turf fight over the Internet. This time the Senate and the House are going to hammer out differences in the House and Senate versions.

“There is not that much difference between the two bills, and I don’t think the conference will take much time at all,” Mehl said.

The version that comes out of the conference then must be voted on by the House and Senate before it may be sent to President Clinton.

The president hasn’t said whether he would approve or veto an Internet gambling ban.

The Clinton administration voiced concern about the House bill in March, when Deputy Attorney General Kevin DGregory said Congress should update federal statutes to ban Internet gambling instead of creating a new law.

When House spokeswoman Elizabeth Newan said the president hopes his concerns about the legislation can be addressed before he is asked to sign an Internet gambling ban.

“T’ll be surprised if this bill does not get to Clinton’s desk before the August recess,” Mehl said. “The big battle has been fought and the outcome has been decided. They’re just nailing around the edges right now.”

But Bryan remains concerned.

“The holdup in the House does not necessarily mean the death knell for this legislation,” he said. “But in terms of legislative days, we are down to less than 40 days (for this year).”

Mrs. CHRISTENSEN, Mr. Speaker, I rise in support of H.R. 3004, the Financial Anti-Terrorism Act and applaud its sponsors for their efforts to pass this comprehensive bipartisan legislation, which seeks to declare financial war on terrorists.

I am pleased as well, that the bill does not include language banning Internet gambling because of the impact that such a ban will have on my district, which is exploring Internet gaming as a means of stimulating our stagnant local economy. While I have my own personal reservations about gambling generally, I must accede to the wishes of my constituents and local legislature, which earlier this year passed legislation to make Internet gaming legal in the U.S. Virgin Islands.

My colleagues, one of the disturbing trends in our present economy has been that when the mainland was experiencing boom times, the economies of the offshore areas of our country—the Virgin Islands, Guam, American Samoa and Puerto Rico—did not share in this boom. Additionally, with the events of September 11 dramatically contributing to the downturn in our national economy, the tourism dependent economy of the Virgin Islands has been decimated. It is because of this that the Government of the Virgin Islands has looked at Internet gambling as a means of stimulating our local economy.

Mr. BERERUTER. Mr. Speaker, this Member rises today to express his support for H.R.
3004, the Financial Anti-Terrorism Act of 2001, which is being considered under suspension of the House rules. As a result of the terrorist attacks on September 11, 2001, H.R. 3004, of which this Member is an original cosponsor, is necessary to detect and eliminate terrorist funding by giving the Federal authorities the enhanced ability to address informal banking systems (FinCEN) within the Department of the Treasury.

First, this Member would like to thank the distinguished Chairman of the House Financial Services Committee from Ohio (Mr. OXLEY) and the distinguished Ranking Member of the House Financial Services Committee from New York (Mr. LA FALCE) for their role in bringing this legislation to the House Floor today.

The September 11th terrorist attacks on the World Trade Center and the Pentagon illustrate the extensive financial infrastructure which can be associated with terrorism. As both the Vice Chairman of the House Intelligence Committee and as House Intelligence Subcommittee Chair of Intelligence Policy and National Security, this Member has been actively studying the details surrounding the tragic events of September 11th.

Therefore, this member would like to focus on the following three provisions of the Financial Anti-Terrorism Act of 2001: (1) codification of the Financial Crimes Enforcement Network (FinCEN) within the Department of the Treasury; (2) enhancement of law enforcement’s ability to track informal banking systems used by terrorists such as the South Asian “hawala” system; and (3) making bulk cash smuggling into or out of the United States a Federal crime.

First, this legislation codifies FinCEN’s status as a Department of Treasury bureau with a separate authorization and statutorily assigns the FinCEN with duties consistent with those assigned currently by order of the Treasury, such as the administration of the Bank Secrecy Act. The FinCEN was created in 1990 by an order of the Secretary of the Treasury, such as the administration of the Bank Secrecy Act. The FinCEN was created in 1990 by an order of the Secretary of the Treasury, such as the administration of the Bank Secrecy Act.

Second, this legislation enhances the ability of law enforcement to address informal banking systems such as hawalas. Many terrorism experts believe that a share of terrorist financing is conducted through an ancient South Asian money exchange system called “hawala.” Hawalas are the underground financial networks of terrorists.

Third, this legislation authorizes Treasury to take special measures against foreign countries or financial institutions that are engaged in money laundering or other suspicious financial activity. Moreover, this legislation also requires the FinCEN to provide computer support to the Office of Foreign Asset Control which is also within the Department of Treasury. This FinCEN support will avoid unnecessary computer data base duplication.

Second, this legislation enhances the ability of law enforcement to address informal banking systems such as hawalas. Many terrorism experts believe that a share of terrorist financing is conducted through an ancient South Asian money exchange system called “hawala.” Hawalas are the underground financial networks of terrorists.

Lastly, this legislation, among many other things, makes it a Federal crime for anyone to knowingly smuggle more than $10,000 in currency or other monetary instrument across the United States border. The measure provides a punishment of up to five years in prison and confiscation of the smuggled money. Under current law, the only requirement is that such currency be declared to customs inspectors upon entering the United States. This Member believes that the criminalization of bulk cash smuggling is necessary to help eliminate terrorist funding within the borders of the United States.

Therefore, this Member urges his colleagues to support H.R. 3004, the Financial Anti-Terrorism Act of 2001.

Mr. Speaker, I am pleased that we are passing H.R. 3004, the Financial Anti-Terrorism Act today. It is crucial that we take steps to ensure that terrorist funding is cut off at its source. I have been working on money laundering issues for years, and I believe that the time for action is long overdue. I am pleased that this bill addresses money laundering concerns.

This legislation authorizes Treasury to take special measures against foreign countries or financial institutions that are engaged in money laundering or other suspicious financial activity. Moreover, this legislation also requires the FinCEN to provide computer support to the Office of Foreign Asset Control which is also within the Department of Treasury. This FinCEN support will avoid unnecessary computer data base duplication.

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use offshore money laundromats to evade the international network of transparent commerce.

Financial anti-terrorism legislation is an essential, indispensable piece of our overall anti-terrorism efforts. In the words of Secretary O’Neill, we must ensure that the terrorists’ moral bankruptcy must be matched by an empty wallet.

Mr. Speaker, I strongly support the passage of this bill. Financial anti-terrorism legislation, including strong money laundering provisions, must be included in any ultimate anti-terrorism package passed by this Congress.

Mr. PAUL. Mr. Speaker, the so-called Financial Anti-Terrorism Act of 2001 (H.R. 3004) has more to do with the ongoing war against financial privacy than with the war against international terrorism. Of course, the Federal government should take all necessary and constitutional actions to enhance the ability of law enforcement to locate and seize funds flowing to known terrorists and their front groups. For example, America should consider signing more mutual legal assistance treaties and making it easier for authorities to waste time snooping through the financial records of obscure and complex U.S. banking institutions. This knowledge is likely to have helped expedite these horrific acts, which clearly transcend traditional notions of money laundering.

Make no mistake about it: this is big business. It has been estimated that money laundering accounts for between $600 billion and $1.5 trillion a year. Given the fact that the recent attacks on the World Trade Center, the Pentagon, and the crash in Somerset County, Pennsylvania have been estimated to have cost only about $5.6 million, a relatively insignificant amount given the direct and collateral damage caused by the attacks, it is clear that our current money laundering laws are insufficient to prevent the current threats raised by our new war on terrorism.

With that in mind I believe that we should thank Senate Majority Leader TOM DASCHLE for insisting that money laundering language be included in the final anti-terrorism package, and to wish also that the staffs of the Financial Services and Judiciary Committees who worked late into the evening last night in search of an agreement that would bring this important legislation to the floor.

H.R. 3004 moves us in the right direction in fighting this new battle. It includes specific provisions to detect terrorist funding by increasing safeguards at banks, borders, and businesses, and gives authorities the tools that they need to effectively combat financial terrorism and related crimes. It provides for increased investigations and penalties to investigate terrorist cells and their financial infrastructure, irrespective of whether such cells utilize normal financial institutions such as banks, or whether they use more clandestine underground “hawala” financial systems.

The bill establishes a partnership between private industry and government in order to decimate terrorist funding, and to this end, it provides additional tracking authority and increased cooperation between U.S. and foreign national to monitor terrorist funds kept in offshore accounts.

The bill also limits the potential for mistakes in targeting terrorists by directing the Treasury Secretary to develop regulations that require financial institutions to verify the identity of customers before opening accounts.

The bill also expands jurisdiction of the Customs Service in order to search, without a warrant, outbound U.S. mail for bulk cash or other contraband, and criminalizes smuggling currency in excess of $10,000, and stiffens penalties for knowing falsification of transactional information in financial institutions.

Finally, additional provisions prohibit the use of credit cards, wire transfers or checks from U.S. banks to pay for illegal gambling on the Internet where so much money laundering currently takes place. In all, this bill gives law enforcement the tools needed to fight this new and formidable enemy of terrorism.

The need for this legislation is great. Let us pass it today and send a powerful signal to the world that terrorism, in any form, will not be tolerated in our free society. I urge my colleagues to support it.

Mr. OXLEY. Mr. Speaker, could I inquire whether the gentleman from New York has further speakers?

Mr. LAFLANCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3004, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were 412 yeas, 1 nays, not voting 17, as follows:

[Roll No. 390]

YEAS—412

\[List of YEAS\]

[End of list]
### CONGRESSIONAL RECORD — HOUSE

**October 17, 2001**

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### LEGISLATIVE PROGRAM

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

Mr. LAFA

### FURTHER LEGISLATIVE PROGRAM

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Rhode Island, Mr. Speaker, would the leader give us some indication as to why we would adjourn after 3 o’clock? If there is a risk of possible exposure by staying around, then I would ask the leader why is it we are staying in for another 3 hours and continuing to possibly expose employees of this building?

There is a line that is about 100 long around the Physician’s Office right now waiting to be tested. It seems to me we have responsibility at this time to know what the facts are and to be able to operate in a way that is consistent with whatever clinical judgment the Physician’s Office gives us.

Mr. ARM

Mr. Speaker, would the leader give us some indication as to why we would adjourn after 3 o’clock? If there is a risk of possible exposure by staying around, then I would ask the leader why is it we are staying in for another 3 hours and continuing to possibly expose employees of this building?

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Mr. ARM

Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Rhode Island, Mr. Speaker, during our discussions earlier this morning between the minority leader, the Speaker and myself with the House Physician, Dr. Elsaid, it was clear that we did not feel, according to the doctor’s advice, that anyone was in imminent danger at this moment, and that there were Members from some offices, particularly from the other side of the building, that were taking these precautionary screening tests and it was considered advisable.

On the House side at this time there has been and is no announced time by which we would complete our business today, that we surrender the properties for the purposes of that sweep and that establishment. There has been and is no announced time by which we would complete our work because that would depend, of course, on the flow of the work. But we believe Members all appreciate the seriousness of the situation.

We see the work is going expeditiously on the floor. As we return to that floor and complete that work, then I would advise the gentleman to have your staff complete their work and depart the properties. I think there is no reason to be concerned about having to do anything before the actual research, sweeping, will begin in the morning, and we will have given then these people the opportunity to...
access all our facilities and do this job properly.

So I would encourage Members not to feel a sense of anxiety or concern about any of their folks being in immediate danger. If any have any sense of concern, they might want to take their less critical personnel and encourage them to leave early. I do not think that is necessary, but I think at this point it is well within the sense of discretion of the individual Member and their office.

NATIONAL DEFENSE AUTHORIZA-
TION ACT FOR FISCAL YEAR 2002

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Cong-
gress assembled:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National De-
fense 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 Au-
thorizations.

(2) Division B—Military Construction Au-
thorizations.

(3) Division C—Department of Energy Na-
tional Security Authorizations and Other
Authorizations.

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

Sec. 122. Multiyear procurement authority
for F/A-18E/F aircraft engines.

Sec. 123. V-22 Osprey aircraft program.

Sec. 124. Additional matter relating to V-22
Osprey aircraft.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority
for C-17 aircraft.

Subtitle E—Other Matters

Sec. 141. Extension of pilot program on sales
of manufactured articles and services of certain Army indus-
trial 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 re-
search.

Sec. 203. Authorization of additional funds.

Sec. 204. Funding for Special Operations
Forces Command, Control, Communications, Computers,
and Intelligence Systems Threat Warning and Situa-
tional Awareness program.

Subtitle B—Program Requirements,
Restrictions, and Limitations

Sec. 211. Funding for Special Operations
Forces Command, Control, Communications, Computers,
and Intelligence Systems Threat Warning and Situa-
tional Awareness program.

Sec. 212. C-5 aircraft reliability enhance-
ment and reengineering.

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 of safety concerns
between operational testing and evaluation officials and
program managers.

Sec. 233. Supplemental Authorization of Ap-
propriations for Fiscal Year 2001 for Research, Development,
Test, and Evaluation Defense-wide.

TITLE III—OPERATION AND
MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance fund-
ing.

Sec. 302. Working capital funds.

Sec. 303. Armed Forces Retirement Home.

Sec. 304. Assistance to local educational
agencies that benefit depend-
ents of members of the Armed
Forces and Department of De-
fense 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 Depart-
ment of Veterans Affairs facili-
ties adjacent to Naval Training
Center, Great Lakes, Illinois.

Subtitle B—Environmental Provisions

Sec. 311. Establishment in environmental
restoration accounts of sub-ac-
counts for unexploded ordnance
and related constitu-
ents.

Sec. 312. Assessment of ongoing environ-
mental remediation of unexploded ordnance
and related constituents.

Sec. 313. Department of Defense energy effi-
ciency program.

Sec. 314. Extension of pilot program for sale
of air pollution emission reduc-
tion incentives.

Sec. 315. Reimbursement of Environmental
Protection Agency for certain
response costs in connection with
Hooker Chemical Sites, South
Berwick, Maine.

Sec. 316. Conformity of surety authority
under environmental restora-
tion program with surety au-
thority 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 spe-
cial supplemental food pro-
gram.

Sec. 322. Reimbursement for use of com-
missioned facilities by military
departments for purposes other
than commissary sales.

Sec. 323. Public releases of commercially
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Subtitle D—Other Matters

Sec. 331. Codification of authority for De-
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counterdrug activities of other
governmental agencies.

Sec. 332. Exclusion of certain expenditures
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tor performance of depot-level
maintenance.

Sec. 333. Repair, restoration, and preserva-
tion of Lafayette Escadrille Mem-
orial, Marnes la-Coquette,
France.

Sec. 334. Implementation of the Navy-Ma-
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Sec. 335. Revision of authority to waive lim-
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Sec. 336. Reauthorization of warranty
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Sec. 337. Funding for land forces readiness-
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Sec. 338. Defense Language Institute For-
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Sec. 339. Consequence management training.

Sec. 340. Critical infrastructure protection
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TITLE IV—MILITARY PERSONNEL
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Sec. 402. Authorized daily average active
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Subtitle B—Reserve Forces

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Sec. 412. End strength for Reserves on ac-
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Sec. 413. End strength for military techni-
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Sec. 414. Fiscal year 2002 limitation on non-
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Sec. 415. Limitations on numbers of reserve
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Sec. 416. Strength and grade limitation ac-
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yency operation.
Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

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Sec. 504. Authority to adjust date of rank.
Sec. 505. Extension of deferrals of retirement or separation for medical reasons.
Sec. 506. Exemption from administrative limitations of retired members ordered to active duty as defense and service attaches.
Sec. 507. Certifications 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 provisions of law under 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 physical examination requirements for members of the Individual Ready Reserve.
Sec. 515. Members of reserve components affected while remaining over-night at duty station within commuting distance of home.
Sec. 516. Retirement of reserve personnel without request.
Sec. 517. Space-required travel by Reserves on military aircraft.

Subtitle C—Education and Training

Sec. 531. Improved benefits under the Army Officer Training Program.
Sec. 532. Rule of limitation on number of Junior Reserve Officers’ Training Corps units.
Sec. 533. Acceptance of fellowships, scholarships, or grants for legal education of officers 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 services academies.
Sec. 537. Expansion of financial assistance program for health-care professionals in reserve components to include students in programs of education leading to 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 to members of the National Guard and Reserve.
Sec. 540. Participation of regular members of the Armed Forces in the Senior Reserve Officers’ Training Corps.

Subtitle D—Decorations, Awards, and Commendations

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Sec. 562. Participation of retirees in funeral honors duties.
Sec. 563. Benefits and protections for members of a funeral honors duty status.
Sec. 564. Military leave for civilian employees serving as military members of funeral honors detail.

Subtitle F—Uniformed Services Overseas Voting

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Sec. 573. Guarantee of eligibility for military personnel.
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Sec. 575. Use of single application as a simultaneous absentee voter registration application and absentee ballot application.
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Sec. 577. Electronic voting demonstration project.
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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. 588. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
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Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
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Sec. 605. Increase of basic allowance for housing in the United States.
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Sec. 607. Correction of limitation on additional uniform allowance for officers.
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.

Subtitle B—Bonuses and Special and Incentive Pays

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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.
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Sec. 813. Revision of acquisition workforce qualification requirements.

Subtitle C—Use of Preferred Sources
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Sec. 822. Consolidation of contract requirements.
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Sec. 824. Hubzone small business concerns.

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Sec. 832. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.
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Sec. 1002. Reduction in authorizations of appropriations for Department of Defense for management efficiencies.
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Sec. 1023. Production and acquisition of vaccines for defense against biological warfare agents.

Sec. 1024. Extension of times for Commission on the Future of the United States Aerospace Industry to report and to terminate.


Subtitle D—Armed Forces Retirement Home

Sec. 1042. Definitions.

Sec. 1043. Revision of authority establishing the Armed Forces Retirement Home.

Sec. 1044. Chief Operating Officer.

Sec. 1045. Resident of Retirement Home.

Sec. 1046. Local boards of trustees.

Sec. 1047. Directors, Deputy Directors, and staff of facilities.

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.

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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 for slave labor performed for Japan during World War II.

Sec. 1065. Retention of travel promotional items.

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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, Indian Island.

Sec. 1071. Assistance for firefighters.

Sec. 1072. Plan to ensure embarkation of civilian guests does not interfere with operational readiness and safe operation of Navy vessels.

Sec. 1073. Modernization 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. Personal pay and qualifications authority for Department of Defense Pentagon Reservation 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. Continuation of applicability of certain civil service protections for employees integrated into the National Imagery and Mapping Agency from the Defense Mapping Agency.

Subtitle B—Matters Related to Retirement
Sec. 1111. Federal employment retirement credit for nonappropriated fund instrumentality service.

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 health care professionals from examination for appointment in the competitive civil service.

Sec. 1126. Professional credentials.

Sec. 1127. Acquisition of logistical support and private networks.

Sec. 1128. Authority for Department of Defense to transfer naval vessels to other countries.

Sec. 1129. Acquisition of logistical support for security forces.

Sec. 1130. Personal services contracts to be performed by individuals or organizations abroad.

Sec. 1131. Allotment of defense burdensharing.

Sec. 1132. Release of restriction on use of certain vessels previously authorized to staff of facilities.

TITLE XII—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 project.

TITLE XXIV—DEFENSE AGENCIES
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2821. Land conveyance, Engineer Prov-
TITLES XXXIII—NATIONAL DEFENSE STOCKPILE

TITLES XXXIV—NAVAL PETROLEUM RESERVES

DEPARTMENT OF DEFENSE

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

For aircraft, $10,892,957,000.

For ammunition, $885,344,000.

For missiles, $3,285,313,000.

(b) MARINE CORPS.

For FY 2002 procurement for the Marine Corps in the amount of $1,594,325,000.

(c) NAVY AND MARINE CORPS AMMUNITION.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $476,099,000.

TITLES XXXVI—DEPARTMENT OF DEFENSE AUTHORIZATIONS

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLES XXXV—NAVAL PETROLEUM RESERVES

TITLES XXXIII—NATIONAL DEFENSE STOCKPILE

TITLES XXXIV—NAVAL PETROLEUM RESERVES

DEPARTMENT OF DEFENSE

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

(1) For aircraft, $14,099,702,000, of which $221,355,000 is authorized for (A) the Secretary of Defense for research, development, test, and evaluation, and (B) the Secretary of the Air Force for research, development, test, and evaluation.

(2) For aircraft, $14,099,702,000, of which $221,355,000 is authorized for the Secretary of Defense on January 5, 2001, to realign the Virginia class submarine program.

(3) For aircraft, $14,099,702,000, of which $221,355,000 is authorized for (A) the Secretary of Defense for acquisition of aircraft, and (B) the Secretary of the Air Force for aircraft.

(4) For aircraft, $14,099,702,000, of which $221,355,000 is authorized for the Secretary of the Air Force for acquisition of aircraft, and (B) the Secretary of the Air Force for aircraft.

(5) For the Defense Health Program, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any capability or 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 41(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 authorized 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.

(b) OFFSET.

(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.

(c) The amount authorized 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.

TITLES II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

For the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $16,000,000.

(2) For the Navy, $11,314,806,000.

(3) For the Air Force, $14,459,457,000.

(4) For Defense-wide activities, $14,999,702,000, of which $1,000,000 is authorized for the Director of Operational Test and Evaluation.

(5) For the Defense Health Program, $55,304,000.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) Fiscal Year 2002—Of the amounts authorized to be appropriated by section 201, $5,093,685,000 shall be available for basic research and applied research projects.
(b) Basic research and applied research defined.—For purposes of this section, the term ‘basic research and applied research’ means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. AUTHORIZATION OF ADDITIONAL FUNDS

(a) Authorization.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in P596203A214 for enhanced Scramjet Mixing.

(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) Funds.—Of the amount authorized to be appropriated by section 201(2), $5,000,000 shall be available for carrying out the requirements reviewed by this section.

SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM

(a) Requirement for Program.—Section 217(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-298; 114 Stat. 298) is amended by striking ‘funds authorized to be appropriated by this Act may not’ and inserting ‘no funds authorized to be appropriated under the Department of Defense for fiscal year 2002 may’.

(b) Authorization of Additional Funds.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. F-22 AIRCRAFT PROGRAM

(a) Repeal of Limitations on Total Cost of Engineering and Manufacturing Development.—The following provisions of law are repealed:

(1) Section 217(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660).


(3) Section 219(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 1998 (as enacted into law by Public Law 106-298; 114 Stat. 298).

(b) Conforming Amendments.—(1) Section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 106-298; 114 Stat. 298) is amended—

(A) in subsection (c)—

(i) by striking ‘‘limitations set forth in subsections (a) and (b)’’ and inserting ‘‘limitation set forth in subsection (b)’’; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking sub-paragraphs (D) and (E).

(2) Section 101 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 536) is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

‘‘(2) That the production phase for that program can be executed within the limitations on total cost applicable to that program under section 217(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660);’’; and

(B) in subsection (b)(3), by striking ‘‘for the reorganization of the engineering and manufacturing development phase’’.

SEC. 212. C-5 AIRCRAFT RELIABILITY ENHANCEMENT AND REENGINING

The Secretary of the Air Force shall ensure that engineering manufacturing and development under the C-5 aircraft reliability enhancement and reengining program includes kit development for an equal number of C-5A and C-5B aircraft.

SEC. 213. REVIEW OF ALTERNATIVES TO THE V-22 OSPREY AIRCRAFT

(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 Osprey aircraft is intended to meet in order to identify the potential alternative technologies and means of 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) Funds.—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. 215. REPORT ON V-22 OSPREY AIRCRAFT REFORE 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 hydraulic system and flight control software of the V-22 Osprey aircraft, including—

(A) a description and analysis of any deficiencies in the flight control system and flight control software of the V-22 Osprey aircraft; and

(B) a description and assessment of the actions taken to address those deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendation of the Panel to Review the V-22 Program.

(3) An assessment of the recommendations of the National Aeronautics 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 $2,500,000.

(b) Availability of Funds.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

Subtitle C—Other Matters

SEC. 231. TECHNOLOGY TRANSITION INITIATIVE

(a) Establishment and Conduct.—Chapter 12 of Title XVII, United States Code, is amended by adding after section 1235 the following new section 1235:

‘‘1235. Technology Transition Initiative

(a) Requirement for Program.—The Secretary of Defense shall establish a Technology Transition Initiative to facilitate the rapid transition of new technologies from science and technology investments in 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) 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;

(B) identify potential projects for the Department of Defense to undertake the transition of such technologies into production;

(C) work with the science and technology community and the community to develop memora nda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of the technologies into production;

(D) provide funding support for selected projects as provided under subsection (d).

(4) Jointly Funded Projects.—(1) 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 Initiative Manager shall select those projects to be supported under the Initiative, on the basis of the highest potential benefits in areas of interest identified by the Secretary of that military department.

(2) In consultation with the Commander of the Joint Forces Command, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). 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.

(3) The senior procurement executive of the military department shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the Initiative if the senior procurement executive determines that it is appropriate to do so to achieve the objectives of the project.

(e) 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.  

(3) Amounts appropriated for the Initiative shall be deposited in the Fund.  

(4) Amounts in the Fund shall be available, to the extent provided in appropriations Acts, until expended out the Initiative Fund.  

(5) The President shall specify in the budget submitted for a fiscal year pursuant to section 1105(a) of title 31 the amount provided in that budget for the Initiative.  

(6) Definitions.—In this section:  

(1) The term ‘Initiative’ means the Technology Transition Initiative carried out under this section.  

(2) The term ‘Initiative Manager’ means the official designated to manage the Initiative under subsection (c).  

(3) The term ‘Fund’ means the Technology Transition Fund established under subsection (e).  

(4) The term ‘senior procurement executive’ with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of the United States Code.  

(5) The term ‘senior procurement executive’ with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of the United States Code.  

(6) ‘Office of the Secretary of the Army’ means the Office of the Secretary of the Army under section 535 of title 10, United States Code.  

(7) ‘Office of the Secretary of the Navy’ means the Office of the Secretary of the Navy under section 526 of title 10, United States Code.  


(9) For the Air Force Reserve, $2,029,866,000.  

(10) For the Army Reserve, $1,843,146,000.  

(11) For the Marine Corps Reserve, $412,966,000.  

(12) For the Air Force Air Reserve, $2,029,866,000.  

(13) For the Army National Guard, $3,697,659,000.  

(14) For the Air National Guard, $1,637,163,000.  

(15) For the Defense Inspector General, $149,221,000.  

(16) For Environmental Restoration, Navy, $389,400,000.  

(17) For Environmental Restoration, Navy, $257,517,000.  

(18) For Environmental Restoration, Air Force, $385,437,000.  

(19) For Environmental Restoration, Defense-wide, $23,492,000.  

(20) For Environmental Restoration, Formerly Used Defense Sites, $10,255,000.  

(21) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.  

(22) For Drug Interdiction and Counterdrug Activities, Defense-wide, $669,381,000.  

(23) For Special Operations Command, Remediation, and Environmental Restoration Trust Fund, $60,000,000.  

(24) For the Defense Health Program, $17,546,750,000.  

(25) For Cooperative Threat Reduction programs, $465,000,000.  


(27) For Support for International Sporting Competitions, Defense, $15,800,000.  

SEC. 202. WORKING CAPITAL FUNDS.  

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies listed in the following:  

(a) For the Defense Working Capital Fund, $1,917,186,000.  

(b) For the National Defense Sealift Fund, $506,408,000.  

SEC. 203. ARMED FORCES RETIREMENT HOME.  

(a) Amount for Fiscal Year 2002.—There is hereby authorized to be appropriated for fiscal year 2002 the amount of Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers’ and Airmen’s Home and the Naval Home.  

(b) Amounts Previously Authorized.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of $22,400,000 shall be available for the Armed Forces Retirement Home Trust Fund for the same extent as is provided in appropriations Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.  

SEC. 304. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.  

(a) Continuation of Department of Defense Program for Fiscal Year 2002.—Of the amount authorized to be appropriated by section 300(5) for education and maintenance for Defense-wide activities, $35,000,000 shall be available only 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) Assistance.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).  

(d) Definitions.—In this section:  

(1) The term ‘educational agencies assistance’ means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7712(9)).  

(2) The term ‘local educational agency’ has the meaning given that term in section 301(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701(9)).  

SEC. 305. AMOUNT FOR IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.  

(a) Increase in Authorization of Appropriations for Operation and Maintenance.—The amount authorized to be appropriated by 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) Offset.—The amount authorized to be appropriated by section 302(1) for the Department of Defense Transition Fund for the Army, the amount of the Armed Forces Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under the section for fuel purchase.  

SEC. 307. ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES.  

Of the funds authorized to be appropriated for fiscal year 2002, $200,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.  

SEC. 308. AUTHORIZATION OF ADDITIONAL FUNDS.  

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 at Air Force medical centers.  

SEC. 309. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.  

(a) Availability of Funds for Renovation.—Subject to subsection (b), of 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 renovation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.  

(b) Limitation.—The limitation of section 311(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-330; 112 U.S. Stat. 2621 note) shall not apply.  

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 (h):

"(h) SUB-ACCOUNTS FOR UNEXPLODED ORDNANCE AND RELATED CONSTITUENTS.—There is hereby established within each environmental account established under subsection (a) a sub-account to be known as the ‘Environmental Restoration Sub-Account, Unexploded Ordnance and Related Constituents’, for the account concerned."

SEC. 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 reprogrammed 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;
(4) a comprehensive plan for addressing the unexploded ordnance and related constituents referred to in paragraphs (1), (2), and (3) of subsection (b), 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 constituents, and a plan for the development and utilization of such improved technology.

(c) REQUIREMENTS FOR ESTIMATES.—(1) The estimates of aggregate projected costs 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) be stated as a range of aggregate projected costs, including a low estimate and a high estimate;
(C) include an assessment of facilities, installations, or sites concerned for which information is available.

(2) The report shall—

(i) state the assumptions underlying each such low estimate and high estimate, including—

(A) any public uses for the facilities, installations, or sites concerned that will be available after the remediation has been completed;
(B) the extent of the cleanup required to make the facilities, installations, or sites concerned available for such uses; and
(C) the technology to be applied to utilized this purpose; and

(ii) the data to be used 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 of remediation of unexploded ordnance and related constituents at such facilities and installations will be addressed, regardless of whether there are any current plans to close such facilities or installations or to continue 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 a comprehensive assessment of the risk of such contamination and of the actions required to protect the ground water supplies concerned.

SEC. 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) Requirements.

(1) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(2) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(3) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(4) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(5) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(6) The Secretary shall, in consultation with the Administrator of General Services, the Government Accountability Office, and the Secretary of Energy, conduct an assessment of the energy consumed by Department of Defense facilities and a comprehensive plan for addressing the energy efficiency programs of the Department of Defense.

(c) REQUIREMENTS FOR ESTIMATES.

(1) The Secretary shall report to the Congress on the progress made toward achieving the goals set forth in subsection (c)(2).

(2) The high estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all active facilities of the Department shall be an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all active facilities of the Department.

(3) The 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 reprogrammed under the base closure laws as of the date of the report under subsection (a) shall—

(A) by 20 percent by 2005; and
(B) by 25 percent by 2010.

(4) 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 1990—

(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—

(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, energy management contracts, and other contracts designed to achieve energy conservation;
(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in making decisions about investments in products, services, construction, and other projects;
(4) conduct energy efficiency audits for approximately 10 percent of all Department of Defense facilities each year;
(5) explore opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and
(6) retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs.

(e) REPORTS.—Not later than January 1, 2002, and annually thereafter through 2010, the Secretary shall submit to the congressional defense committees a report on progress made toward achieving the goals set forth in subsection (c). Each report shall include, at a minimum—

(1) the percentage reduction in energy consumption in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and
(2) the steps taken by the Department to implement the energy efficiency strategies required by subsection (d) in the preceding calendar year.

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 BERWICK, MAINE.

(a) AUTHORITY TO REIMBURSE.—Using amounts specified in subsection (c), the Secretary of the Navy may pay $1,000,748 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9607 of the Internal Revenue Code of 1986 (26 U.S.C. 9607) to reimburse the Environmental Protection Agency for the response costs incurred by the Environmental Protection Agency for actions taken between January 1, 1992, and July 1, 1992, 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 the response costs described in that subsection.

(c) SOURCE OF FUNDS.—Payment under subsection (a) shall be made using amounts authorized to be appropriated by section 305(a)(3) of title 10, United States Code.

SEC. 316. CONFORMITY OF SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY UNDER SUPERCUP.

Section 307(c)(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 FLIGHTS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that only hybrid electric vehicles are procured by the Administrator for the Department of Defense fleet of light duty trucks that is not in a fleet of vehicles to which section 306 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(b) PROCUREMENT.—The Secretary, in consultation with the Administrator, may waive the policy regarding the procurement of hybrid electric vehicles in paragraph (a) to the extent that the Secretary determines necessary—

(A) in the case of trucks that are exempt from the requirements of section 306 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 in accordance 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 light duty trucks that are hybrid electric vehicles.

(3) This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) REQUIREMENT TO EXCEED 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 in fiscal years 2004 for the fleets of light duty vehicles of the Department of Defense to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies—

(A) five percent of the total number of such trucks that are procured in each of fiscal years 2005 and 2006 are alternative fueled vehicles; and

(B) the total number of such trucks that are procured in each fiscal year after fiscal year 2006 are alternative fueled vehicles or hybrid electric vehicles.

Light duty trucks acquired for the Department of Defense that are counted to satisfy the requirement in that paragraph shall be in compliance with the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) REPORT ON PLANS FOR IMPLEMENTATION—At the same time that the President submits the budget for fiscal year 2004 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (a) and (b).

(d) DEFINITIONS.—In this section:

(1) The term "light duty truck" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" has the meaning given that term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

SEC. 321. COMMISSARIES AND NONAPPROPRIATED FUND INSTITUTIONS.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. COMMISSARIES AND NONAPPROPRIATED FUND INSTITUTIONS WITH PRODUCERS OF FOODS PROVIDED UNDER THE SPECIAL SUPPLEMENTAL PROGRAM.

Section 166a(b) of title 10, United States Code, is amended—

(1) by striking "(b) FUNDING.—" and inserting "(b) FUNDING.—(1); and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured for the Department of Defense for that fiscal year for purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) REPORT ON PLANS FOR IMPLEMENTATION.—At the same time that the President submits the budget for fiscal year 2003 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (a) and (b).

(d) DEFINITIONS.—In this section:

(1) The term "light duty truck" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" has the meaning given that term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

Subtitle D—Other Matters

SEC. 321. CODIFICATION OF AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) AUTHORITY.—The Secretary of Defense may provide support for the counternarcotics activities of any other department or agency of the Federal Government, including any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested by—

(1) the official who has responsibility for the counternarcotics activities of the department or agency of the Federal Government, in the case of support for the department or agency; and

(2) by the appropriate official of a State or local government, in the case of support

SEC. 322. REIMBURSEMENT FOR USE OF COMMERCIAL FACILITIES BY MILITARY DEPARTMENTS FOR PURPOSES OTHER THAN COMMISSARY SALES.

(a) REQUIREMENT.—Chapter 147 of title 10, United States Code, is amended by inserting after section 2482a the following new section:

"§ 2483. Commissary stores: reimbursement for use of commissary facilities by military departments.

"(a) PAYMENT REQUIRED.—The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under subsection (b) for use of a commissary facility by a military department for a purpose other than commissary sales or operations in support of commissary sales.

"(b) AMOUNT.—The amount payable under subsection (a) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

"(c) COVERED FACILITIES.—This section applies with respect to a commissary facility that is maintained, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of an adjustment or surcharge applied under section 2486(c) of this title.

"(d) CREDITING OF PAYMENTS.—The Director of the Defense Commissary Agency shall credit amounts paid under this section for use of a facility to an appropriate account to which proceeds of an adjustment or surcharge referred to in subsection (c) are credited.

"(e) DEFINITIONS.—In this section, the terms 'commercial facility' and 'commissary facility' shall have the meanings given those terms in section 2486(c) of this title.

SEC. 323. PUBLIC RELEASES OF COMMERCIALLY VALUABLE INFORMATION OF COMMISARY STORES.

(a) LIMITATIONS AND AUTHORITY.—Section 2487 of title 10, United States Code, is amended to read as follows:

"§ 2487. Commissary stores: release of certain commercially valuable information to the public.

"(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of such information, the Secretary shall provide for limited release of such information in accordance with subsection (b).

"(2) Paragraph (1) applies to the following:

(A) Data relating to 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 that were developed with funding derived from commissary surcharges.

(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 for the following:

"(i) The period covered by a contract entered into under this paragraph for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this paragraph for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this paragraph for any year from

"(D) Amounts rebated under a contract entered into under subparagraph (A) shall be credited to the appropriation available for carrying out this section in the fiscal year in which rebated, shall be merged with the other sums in that appropriation, and shall be available for the program for the same period as the other sums in the appropriation.''.

SEC. 320. UNDER THE SPECIAL SUPPLEMENTAL PROGRAM.

(a) REQUIREMENT.—Chapter 147 of title 10, United States Code, is amended—

(1) by striking "2482a the following new section:

"§ 2483. Commissary stores: reimbursement for use of commissary facilities by military departments.

"(a) PAYMENT REQUIRED.—The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under subsection (b) for use of a commissary facility by a military department for a purpose other than commissary sales or operations in support of commissary sales.

"(b) AMOUNT.—The amount payable under subsection (a) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

"(c) COVERED FACILITIES.—This section applies with respect to a commissary facility that is maintained, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of an adjustment or surcharge applied under section 2486(c) of this title.

"(d) CREDITING OF PAYMENTS.—The Director of the Defense Commissary Agency shall credit amounts paid under this section for use of a facility to an appropriate account to which proceeds of an adjustment or surcharge referred to in subsection (c) are credited.

"(e) DEFINITIONS.—In this section, the term 'commercial facility' means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

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(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

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(B) a rechargeable energy storage system.

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(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.
may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding subsection (a) 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.

(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support under subsection (a) of this title, the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken in conjunction with efforts to secure or extend effective control of territory over which citizens of the United States are potentially threatened), provided that such training or operations do not constitute a military operation or (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 FACILITIES MODIFICATION PROJECTS.—(1) When a decision is made to carry out a military construction project described in paragraph (2), the Secretary of Defense shall submit to the appropriate congressional defense committees before the end of the 21-day period beginning on the date on which the written notice of the decision, including the justification for the project and the estimated cost of the project, the project may be commencing 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 purpose of facilitating counterdrug activities in or outside the United States; 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 of Congress; and

(B) The Committee on Armed Services and the Committee on Appropriations of the Senate.

(b) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence designated pursuant to paragraph (1) of subsection (b) of title 10, United States Code, shall not be counted for purposes of section 246(a) of such title if the personnel are provided by private industries pursuant to a public-private partnership undertaken by the Secretary of Defense in the case of support for a foreign law enforcement agency.

(b) FUNDS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds referred to in subparagraph (a) are funds available to the military departments for depot-level maintenance and repair workloads for fiscal years 2002, 2003, and 2004.

SEC. 333. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COQUETTE, FRANCE.

(a) AUTHORITY TO MAKE GRANT.—The Secretary of the Air Force may, using amounts available to the military departments for fiscal year 2002 pursuant to section 2474(a) of title 10, United States Code, as amended, make available to the Lafayette Escadrille Memorial Foundation, Inc., for purposes of the repair, restoration, and preservation of the Lafayette Escadrille Memorial, funds available to the military department or agency for the purpose set forth in subsection (b)(4); and

(b) GRANT AMOUNT.—The amount of the grant under subsection (a) may be not exceed $2,000,000.

(b) USE OF GRANT.—Amounts from the grant under this section shall be used solely for the purposes described in subsection (a). None of such amounts may be used for remuneration of any person or individual associated with fundraising for any project for such purposes.

(d) FUNDS FOR GRANT.—Funds for the grant under this section shall be derived from amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force for fiscal year 2002.

SEC. 334. IMPLEMENTATION OF THE NAVY-MARINE CORPS INTRANET CONTRACT.

(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 paragraph:

"(5) The Secretary of the Navy may, for the purpose of carrying out the provisions of this section if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense...

(b) REPEAL OF SUPERSEDED REQUIREMENTS.—Subsection (a) of section 814 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is repealed.

(c) SAVING PROVISION.—The section of title 10 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 383 of title 10, United States Code, as added by subsection (a).
under subparagraph (A) in excess of the number permitted under paragraph (2) until—

‘‘(i) the completion of a three-phase contractor test and user evaluation, observed by the Deputy Secretary of Defense, of the work stations operating on the Navy-Marine Corps Intranet at the first three sites under the Navy-Marine Corps Intranet program; and

‘‘(ii) the completion by the Secretary of Defense of an audit of the auditors selected by the Navy-Marine Corps Intranet contract.

‘‘(D) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination under any number of work stations to be contracted for under subparagraph (A) in excess of the number provided for under subparagraph (C) until—

‘‘(i) there has been a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet;

‘‘(ii) the Secretary of the Navy has met the level agreements specified in the Navy-Marine Corps Intranet infrastructure and systems of the work station under the Navy-Marine Corps Intranet contract and perform operations consistent with the service and the contractor performance measurement points of the user of the work station to Navy-Marine Corps Intranet infrastructure and systems under oversight by the Department of the Navy; and

‘‘(iii) the Chief Information Officer of the Department of the Navy and the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence jointly certify to the congressional defense committees that the testing of the work stations referred to in clause (i) are acceptable.

‘‘(b) Definitions.—Subsection (f) of that section is amended to read as follows:

‘‘(1) The term ‘Navy-Marine Corps Intranet contract’ means a contract providing for a transfer of the leverage associated with the Navy-Marine Corps Intranet contract.

‘‘(2) The term ‘authority to waive or adjust the authority under paragraph (1)’ means the authority to approve the level agreement condition in the Navy-Marine Corps Intranet contract.

‘‘(3) The term ‘decision authority under subparagraph (B)’ means the authority to exercise the waiver authority under paragraph (1).

‘‘(4) The term ‘reporting’ means the authority to provide a report to Congress not later than October 1, 2001 that outlines the Secretary’s strategy regarding the operations of the public depot.

SEC. 336. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) Extension of Authority.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-166; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by—

(1) inserting ‘‘September 30, 2000’’ after ‘‘September 30, 1999’’; and

(2) inserting ‘‘September 30, 2003’’ after ‘‘January 1, 2000’’.

(b) Reporting Requirements.—Subsection (g) of such section is amended—

(1) in paragraph (4), by striking ‘‘January 1, 2000’’ and inserting ‘‘January 1, 2003’’; and

(2) in paragraph (2), by striking ‘‘March 1, 2000’’ and inserting ‘‘March 1, 2003’’.

SEC. 337. FUNDING FOR FORCES READINESS- INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for land forces readiness-information operations sustainment.

SEC. 338. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVI FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 850,000.

(2) The Navy, 376,000.

(3) The Marine Corps, 172,600.

(4) The Air Force, 358,800.

SEC. 402. AUTHORIZED DAILY AVERAGE ACTIVE DUTY PERSONNEL SERVING ON ACTIVI DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES

(a) In General.—Section 517(a) of title 10, United States Code, is amended by inserting “or the Navy” before “in the case of the Army”.

(b) Application.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for the Selected Reserve personnel of the selected reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 11,250.

(6) The Air Force Reserve, 74,700.

(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;

(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;

(3) the total number of active duty member units released from active duty; and

(4) the total number of such individual members released during the fiscal year from active duty.

The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of Defense may, in their discretion, authorize the transfer to the Selected Reserve of such reserve component the 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 401, 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 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 Naval Reserve, 4,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

SEC. 415. 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, 23,615.

(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, 330.

(b) Dual Status Technicians Defined.—In this section, the term ‘‘non-dual status technician’’ has the meaning given the term in section 10217(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY FOR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENT OPERATIONS.

(a) Officers.—The text of section 1201 of title 10, United States Code, is amended to read as follows:

(b)Limitations.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty
at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

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"(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

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<table>
<thead>
<tr>
<th>Total number of members of Naval Reserve serving on full-time reserve component duty:</th>
<th>Number of officers who may be serving in the grade of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieutenant commander</td>
<td>Commander</td>
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<tr>
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<tr>
<td>11,000</td>
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"Total number of members of a reserve component serving on full-time reserve component duty."
“(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component may be determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

“(d) SECRETARIAL WAIVER.—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 serving on full-time reserve component duty for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for 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:

“(1) Active duty described in sections 10211, 10302, 10303, 10904, 10905, 12310, or 12402 of this title.

“(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

“(3) Active duty described in section 708 of title 32.

“(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

“(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are on full-time reserve component duty at the end of any fiscal year, the number of those members in each pay grade of E-8 and E-9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of any fiscal year, exceed the number determined in accordance with the following table:

### Army Reserve

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Number of Officers</th>
<th>Army Reserve</th>
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</thead>
<tbody>
<tr>
<td>9,000</td>
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<td>300</td>
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<td>8,000</td>
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<tr>
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<th>Number of Officers</th>
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time reserve component duty” has the meaning given in the term section 1231(e) of this title.”.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 416. STRENGTH AND GRADE LIMITATION ACCOUNTING OFFICERS FOR RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) Active Duty Strength Accounting.—Section 115(c)(1) of title 10, United States Code, is amended to read as follows:

“(1) The 5-year end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by—

(A) a number equal to not more than 1 percent of the active duty strength; and

(B) the number (if any) of the members of the reserve components that, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.”.

(b) Limitation on Authorized Daily Average for Members in Pay Grades E-8 and E-9 on Active Duty.—Section 617 of such title is amended by adding at the end the following new paragraph:

“(d) The Secretary of Defense may increase the authorized daily average number of enlisted members on active duty in an armed force in pay grade E-8 or E-9 in a fiscal year, as determined under subsection (a), by the number (if any) of enlisted members of a reserve component of that armed force in that pay grade who, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.”.

(c) Limitation on Authorized Strengths for Officers in Pay Grades O-4, O-5, and O-6 on Active Duty.—Section 523(b) of such title is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking “except as provided in subsection (c)” and inserting “except as provided in subsections (c) and (e)”;

(2) by adding at the end the following new subsection:

“(e) The Secretary of Defense may increase the total number of commissioned officers of an armed force authorized to serve on active duty at the end of any fiscal year in the grade of O-4, O-5, or O-6, determined under subsection (a), by the number (if any) of commissioned officers of a reserve component of that armed force in that grade who, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.”.

(d) Limitation on Authorized Strengths for General and Flag Officers on Active Duty.—Section 526(a) of such title is amended—

(1) by striking “LIMITATIONS.—The” and inserting “LIMITATIONS.—(1) Except as provided in paragraph (2), the”;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) by adding at the end the following new paragraph (2):

“(2) The Secretary of Defense may increase the limitation on the number of general and flag officers on active duty, determined under paragraph (1), by the number (if any) of reserve component general and flag officers who, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.”.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL DUTY PERSONNEL

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,396,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such fiscal year.

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 1005(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.—(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 striking “rear 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)”.

(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:

“(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) Appointment and Grade of 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 are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be re-appointed 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 Secretary, but not for more than four years and may not be re-appointed to the same position.”.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 3082.

SEC. 502. REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION OF FIRST LIEUTENANTS AND SECOND LIEUTENANTS (JUNIOR GRADE).

Paragraph (1) of section 619(a) of title 10, United States Code, is amended by striking “Under” and inserting “Except in the case of promotions recommended under section 624(a)(3) of this title, under”.

(2) Section 623(a) of such title is amended by adding at the end the following new paragraph (3):

“(3) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of the Regular Army, Regular Air Force, or Regular Marine Corps) or lieu-tenant (for officers of the Regular Navy) all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade), recommended by a reduction board convened under section 611(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next higher grade to accomplish mission objectives. Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.”

Subtitle D—Exclusions From Limitation of Active Duty Officers in Grades Above Major General

SEC. 503. PROMOTION OF OFFICERS TO THE GRADE OF CAPTAIN IN THE ARMED FORCES, OR TO THE GRADE OF LIEUTENANT IN THE NAVY WITHOUT SELECTION BOARD ACTION.

(a) Active Duty List Promotions.—(1) Section 611(a) of title 10, United States Code, is amended by striking “Under” and inserting “Except in the case of promotions recommended under section 624(a)(3) of this title, under”.

(2) Section 623(a) of such title is amended by adding at the end the following new paragraph (3):

“(3) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of the Regular Army, Regular Air Force, or Regular Marine Corps) or lieutenant (for officers of the Regular Navy) all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade), recommended by a reduction board convened under section 611(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next 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) Exclusions From Limitation of Active Duty Officers in Grades Above Major General.—Section 523(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(B), by striking “16.2 percent” and inserting “17.5 percent”;

(2) in paragraph (3)—

(A) by inserting “after “(3)” and;

and

(B) by adding at the end the following new subparagraph:

“(4) an officer while serving in a position in the military department concerned approved by the President, promote to the grade of captain (for officers of the Regular Army, Regular Air Force, or Regular Marine Corps) or lieutenant (for officers of the Regular Navy) all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade), recommended by a reduction board convened under section 611(a) of this title, under”.}

October 17, 2001

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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 618 of title 10, United States Code, as amended, by adding at the end of such title but is not fully qualified for promotion when recommending for promotion under section 624(a)(3) of this title all fully qualified officers of the officer’s military department who would be eligible for such consideration.

(b) **RReserve Active-Status List Promotions.**—(1) Subsection 1410(a) of such title is amended by striking “Whenever 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) that is to a grade below O-7 and is delayed by reason of unusual circumstances that cause an extended 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 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 effective 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 on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment.

(b) **RReserve Officers.**—Section 14308(c) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

(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 extended 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 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 effective 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 on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment.

SEC. 504. AUTHORITY TO ADJUST DATE OF RANK.

(a) **Active Duty Officers.**—Subsection 741(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under section 624(a)(3) of this title if the appointment is to a grade below O-7 and is delayed by reason of unusual circumstances that cause an extended 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) **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 the sections of title 10, United States Code, is deferred under section 1251 of this title is deferred under subsection (a), the Secretary of the military department concerned may extend the period of time for which the officer serves on active duty by an additional 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 OF RETIRED MEMBERS ORDERED TO DUTY AS DEFENSE AND SERVICE ATTACHES.

(a) **Limitation of Period of Recalled Services.**—Section 688(e)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.”

(b) **Limitation on Number of Recalled Officers on Active Duty.**—Section 690(b)(2) of such title is amended by adding at the end the following new paragraph:

“(E) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.”

(c) **Applicability.**—The amendments made by subsections (a) and (b) shall apply with respect to officers serving on active duty as a defense attaché or service attaché on or after the date of the enactment of this Act.

SEC. 507. CERTIFICATIONS OF SATISFACTORY PERFORMANCE FOR RETIREMENTS OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

Section 1270(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense may delegate authority to make a certification for an officer under paragraph (1) to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness. The certification authority may not be delegated to any other official.

(B) If an official to whom authority is delegated under subparagraphs (a) and (b) in the case of an officer that there is potentially adverse information on the officer and that the information has not previously been reviewed by the Secretary of Defense with the action of the Senate on a previous appointment of that officer under section 601 of this title, the official may not exercise the authority in that case, but shall refer the case to the Secretary of Defense. The Secretary of Defense shall personally issue or withhold a certification for an officer under paragraph (1) in any case referred to the Secretary under the preceding sentence.”.

SEC. 508. EFFECTIVE DATE OF MANDATORY SEPARATION OR RETIREMENT OF REGULAR MILITARY RESERVE OFFICERS OR OFFICERS OF CERTAIN LAWS 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):

“(c) if in the case of an officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps whose mandatory separation or retirement under section 632, 633, 634, 635, 638, 637, or 1251 of this title is delayed 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 ordered by the officer, but not later than 90 days after the date of the termination of the suspension.”.

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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, or by the Secretary of the Navy, notwithstanding the limitation in section 5596(d) of this title.’’.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. AUTHORIZATION AND EXPANSION OF TEMPORARY WAIVER OF THE REQUIREMENT FOR A BACCALAUREATE DEGREE FOR PROMOTION OF CERTAIN RESERVE OFFICERS OF THE ARMY.

(a) AUTHORIZATION.—Subsection (b) of section 641(1)(C) of such title, under a call or order to active duty specifying a period of three years or less, is amended to read as follows:
‘‘(1) The Secretary of the Army concerned may place on the active-duty list of the Army of a reserve component who is performing active service pursuant to orders that do not establish a permanent duty station or homeport 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 duty time when on garrison duty at the member’s permanent duty 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. 512. STATUS LIST OF RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) Clarification.—Section 641(a)(3) of title 10, United States Code, is amended to read as follows:
‘‘(3) (A) in the first sentence—
(i) by striking ‘‘Ready Reserve’’ and inserting ‘‘Selected Reserve’’; and
(ii) by striking ‘‘his’’ and inserting ‘‘the member’s’’:
‘‘(B) in the second sentence, by striking ‘‘Each Reserve’’ and inserting the following:
‘‘(c) Each Reserve’’;
and
(2) by redesignating subsection (b) as subsection (d); and
(3) by inserting after subsection (a) the following new subsection:
‘‘(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member’s physical fitness for military duty or for promotion, attendance at a school of the armed forces, or other action related to career progression.’’.

SEC. 513. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS.—Section 1074a(a)(3) of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) in the first sentence—
(i) by striking ‘‘Ready Reserve’’ and inserting ‘‘Selected Reserve’’; and
(ii) by striking ‘‘his’’ and inserting ‘‘the member’s’’;
‘‘(B) in the second sentence, by striking ‘‘Chief Reserve’’ and inserting the following:
‘‘(c) Each Reserve’’;
and
(2) by redesigning subsection (b) as subsection (d); and
(3) by inserting after subsection (a) the following new subsection—
‘‘(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member’s physical fitness for military duty or for promotion, attendance at a school of the armed forces, or other action related to career progression.’’.

(b) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Section 1676(a)(2)(C) 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 1294(h)(2)(B)(iii) 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’’.

(2) Section 1296(2)(A)(ii) 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 1481(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) ESSENTIAL BASIC PAY.—Section 201 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’’;

(f) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 289a(3)(C) of title 37, 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. 514. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS.—Section 1074a(a)(3) of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) in the first sentence—
(i) by striking ‘‘Ready Reserve’’ and inserting ‘‘Selected Reserve’’; and
(ii) by striking ‘‘his’’ and inserting ‘‘the member’s’’;
‘‘(B) in the second sentence, by striking ‘‘Chief Reserve’’ and inserting the following:
‘‘(c) Each Reserve’’;
and
(2) by redesigning subsection (b) as subsection (d); and
(3) by inserting after subsection (a) the following new subsection—
‘‘(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member’s physical fitness for military 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 OVERNIGHT AT DUTY STATION WITHIN COMMUTING DISTANCE OF HOME.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS.—Section 1074a(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 1676(a)(2)(C) 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 1294(h)(2)(B)(iii) 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’’.

(2) Section 1296(2)(A)(ii) 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 1481(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) ESSENTIAL BASIC PAY.—Section 201 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’’;

(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 the 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’’; and

(3) by striking paragraph (2) and inserting the following—
‘‘(2) be discharged from the officer’s reserve appointment if the officer is not qualified for the 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. 516. RETIREMENT OF RESERVE PERSONNEL WITHOUT REGARD TO DUTY OR SERVICE.

(a) RETIREMENT.—Section 1015(g)(1)(a) of title 10, United States Code, is amended by striking ‘‘upon their request’’.

(b) TRANSFER, RETIREMENT, OR DISCHARGE FOR FAILURE OF SELECTION OF PROMOTION.—(1) Paragraph (2) of section 14513 of such title is amended by striking ‘‘, if the officer is qualified and applies for such transfer’’ and inserting ‘‘if the officer is qualified for the transfer 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) if the officer is qualified and applies for such transfer or discharge for failure of selection for promotion’’.

(c) RETIREMENT FOR YEARS OF SERVICE OR AFTER SELECTION FOR EARLY REMOVAL.—Section 14514 of such title is amended—
(1) in paragraph (1), by striking ‘‘, if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred’’.

(d) RETIREMENT FOR AGE.—Section 14515 of such title is amended—
(1) in paragraph (1), by striking ‘‘, if the officer is qualified and applies for such transfer’’ and inserting ‘‘if the officer is qualified for the transfer 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) be discharged from the officer’s reserve appointment if the officer is not qualified for the transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred’’.

SEC. 517. DISCHARGE ON RETIREMENT OF WARRANT OFFICERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1207 of such title is amended by adding at the end the following new section:
‘‘12244. Warrant officer’s discharge or re-
“(1) be transferred to the Retired Reserve if the warrant officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) to be transferred to the Retired Reserve; or
“(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.”

(2) The table of sections at the beginning of such chapter, as amended by adding at the end the following new item:

“12244. Warrant officers: discharge or retirement for years of service or for age.

Each reserve enlisted member of the Army, Navy, Air Force, or Marine Corps who is in an active duty status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

“(1) be transferred to the Retired Reserve if the Secretary has determined that the warrant officer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(2) The table of sections at the beginning of such chapter is amended by adding to the end the following new section:

“§ 12108. Enlisted members: discharge or retirement for years of service or for age.

Each reserve enlisted member of the Army, Navy, Air Force, or Marine Corps who is in an active duty status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

“(1) be transferred to the Retired Reserve if the Secretary has determined that the warrant officer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(2) The table of sections at the beginning of such chapter, as amended by adding at the end the following new item:

“12108. Enlisted members: discharge or retirement for years of service or for age.”

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that is more than 180 days after the date of the enactment of this Act.

SEC. 517. SERVICE-SUPPORTED TRAVEL BY RESERVE MILITARY AIRCRAFT.

(a) CORRECTION OF IMPAIRMENT TO AUTHORIZED TRAVEL WITH ALLOWANCES.—Section 18505(a) of the United States Code, as 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:

“§ 18505. Reserves traveling for inactive-duty training: space-supported travel on military aircraft.”

(2) The item relating to such section in the table of contents at the beginning of chapter 1805 of title 10, United States Code, is amended to read as follows:

“18505. Reserves traveling for inactive-duty training: space-supported 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. 1603) is amended—

(1) in subsection (b)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

“(1) DURING PERIODS FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—

“(1) exercise the authority under section 513 of title 10, United States Code;—

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and redesignating 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 as a Reserve under paragraph (1)” 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) by striking “two-year period” and inserting “30-month period;” and

(C) by striking “paragraph (1)” and inserting “paragraph (1),”

(b) ALLOWANCE ELIGIBILITY AND AMOUNT.—

(1) Such section is further amended—

(A) in subsection (3) and inserting the following:

“(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of such subsection, pay an allowance for the person for each month of that period during which the member is enrolled in and pursuing such a program;” and

(B) in subsection (d)—

(i) by redesigning paragraph (2) as paragraph (4),

(ii) by striking paragraph (1) and inserting the following new paragraphs:

“(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for members of the Reserve Officers’ Training Corps under section 209(a) 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 the member performs satisfactorily as a member of a unit of that reserve component that trains as prescribed in section 209(a) of title 10, United States Code.

(b) CLERICAL AMENDMENT.

(1) The heading for such subsection is amended by striking “AMOUNT OF”.

(c) INELIGIBILITY FOR LOAN REPAYMENTS.—Such section is further amended—

(1) by redesigning subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) INELIGIBILITY FOR LOAN REPAYMENTS.—A person who has received an allowance under this section is not eligible for any benefits under chapter 109 of title 10, United States Code.

(d) RECOVERY OF ALLOWANCE.—Such section, as amended by this subsection, is further amended by inserting after subsection (e) the following new subsection:

“(f) RECOVERY OF ALLOWANCE.—(1) A person who has received an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized under that section or fails to complete the total period of service required of that person 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) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge 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 authority 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 in which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply only to persons who, on or after that date, are enlisted as described in subsection (a) of section 513 of title 10, United States Code, with delayed entry authorized under that section.

SEC. 532. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 533. ACCEPTANCE OF FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS FOR LEGAL EDUCATION OF OFFICERS PARTICIPATING IN FEDERAL LEGAL EDUCATION PROGRAM.

(a) FLEP DETAIL.—Section 2004 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 as financial assistance for training described in subsection (a) in accordance with section 2603(a) of this title does not disqualify the officer accepting it from also being detailed at a law school for that training under the Service obligations incurred under subsection (b)(2)(C) and section 2603(b) of this title with respect to the same training shall be served consecutively.

(b) SCHOLARSHIPS, OR GRANTS.—Section 2603 of this title is amended by adding at the end the following new subsection:

“(c) a detail of an officer for training at a law school under section 2004 of this title does not disqualify the officer from also accepting a fellowship, scholarship, or grant under this section as financial assistance for that training. Service obligations incurred under subsection (b)(2)(C) of this title with respect to the same training shall be served consecutively.

(c) GRANT OF DEGREE BY DEFENSE LAW 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 accept the award of a degree in foreign language upon graduation 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 section:


SEC. 535. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO ADOPT 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:

“Authority to confer the degree of Master of Strategic Studies:—
written waiver of reimbursement is granted the amount waived.

(2) For the Command and Staff College, the degree of master of military studies.

(3) The secretory of defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(d) Applicability.—The amendments made by this subsection shall be in accordance with the requirements established by the Marine Corps University for the degree of master of strategic studies.

SEC. 536. FOREIGN PERSONS ATTENDING THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended to read as follows:

"§ 7102. Marine Corps University: masters degrees.

(b) Condition for Initial Exercise of Authority.—(1) The President of the Marine Corps University may exercise the authority provided under section 7102(a)(1) 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 strategic studies of higher education in the United States, and notify the Secretary of the Navy of the determination.

SEC. 537. EXPANSION OF FINANCIAL ASSISTANCE TO THE HEALTHCARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE STUDENTS IN PROGRAMS OF EDUCATION LEADING TO INITIAL DEGREE IN MEDICINE OR DENTISTRY.

(a) Medical or Dental Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by striking subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Program 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; and

(B) is enrolled or has been accepted for enrollment in an accredited medical or dental school in a program of education and training that results 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 remaining period of the participant’s enlistment in the United States Armed Forces, as applicable;

(B) the participant shall serve in the Select Reserve, upon successful completion of the program,

(C) the participant shall serve in the Select Reserve for each six months,

(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 tendered, 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 successfully complete 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 whole or in part, and

(iv) to serve in the Select Reserve, upon successful completion of the program, for the period of service applicable under paragraph (3).

(3)(A) Except as provided in subparagraph (B), the minimum period for which a participant may serve under the agreement pursuant to paragraph (2)(D)(iv) shall be one year in the Selected Reserve for each year 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 (a) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes the program of education and training in the specialty covered by the agreement, the minimum period for which the participant shall serve in the Selected Reserve under that agreement and the agreement entered into under this subsection shall be one year for each year, or part thereof, for which a stipend was provided under this chapter.

(b) Amount of Stipend.—Subsection (f) of such section, as redesignated by subsection (a), is amended by striking "(c)" and inserting "(c), (d), or (e).

(c) Eligibility for Assistance for Graduate Medical or Dental Training.—Subsection (b) of such section is amended—

(1) by striking subsection (a), and inserting "WARTIME SPECIALTIES:"; and

(2) in paragraph (1)(B), by inserting "or the program is a pilot program under this section."

(d) Service Obligation for Stipend for Other Professional Programs.—(1) Subsection (b)(2)(D) of such section by striking "agree to serve, upon successful completion of the program, one year in the Select Reserve for each six months." and inserting "one year in the Select Reserve for each six months.

(2) Subsection (c)(2)(D) of such section is amended by striking "or the program is a pilot program under this section.

(e) Conforming Amendments.—(1) Subsection (a) of such section is amended—

(A) in the first sentence—

(i) by inserting "in health professions and" after "ilder"; and

(ii) by striking "and" and inserting "or"; and

(B) in the second sentence, by striking "medical and" and inserting "medical and dental";

(C) 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 (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(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" in the first sentence; 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 midshipman under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(c) United States Air Force Academy.—(1) Subsection (a)(1) of section 9394 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" in the first sentence; 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 (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(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" in the first sentence; 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 (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(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" in the first sentence; 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 midshipman under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(c) United States Air Force Academy.—(1) Subsection (a)(1) of section 9394 of such...
of Defense to defray the costs incurred by the Secretary of Veterans Affairs in providing the graduate medical education and training in, or the use of, the facility or facility personnel of the Armed Forces participating in the pilot program.

(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 the furnishing or support of medical education and the cooperative use of facilities.

(e) 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.

(f) ANNUAL REPORT.—(1) 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 any pilot program carried out under this section.

SEC. 539. TRANSFER OF ENTITLEMENT TO BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3011. Transfer of entitlement to basic educational assistance

"(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) who is entitled to basic educational assistance under this subchapter to elect to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces; or

"(2) has entered into an agreement to serve at least four more years as a member of the Armed Forces.

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member’s request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces; and

"(2) has entered into an agreement to serve at least four more years as a member of the Armed Forces.

"(c) ELIGIBLE DEPENDENTS.—An individual approved under subsection (a) is eligible to receive educational assistance under this chapter if—

"(1) to the individual’s spouse;

"(2) 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 under this section may not exceed 18 months.

"(e) DESIGNATION OF TRANSFEREE.—An individual transferring 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.—Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of individual’s request to transfer such entitlement without regard to whether the individual making the transfer of such entitlement is employed by the Armed Forces when the transfer is executed.

"(2)(A) An individual transferring entitlement under this section may modify or revoke at any time any part of a portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph may not be made until written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs is jointly and severally approved by the respective Secretary concerned.

"(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 until the following:

"(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) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(i) the attainment of the child by 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(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 use such entitlement to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) The death of an individual transferring entitlement under this section shall not affect the transfer of entitlement to a dependent under this section.

"(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(5) The administrative provisions of this chapter (including the provisions set forth in section 3033(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 transfers.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit of an educational program to obtain a degree or equivalency certificate.

"(ii) OVERPAYMENT.—In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the Secretary concerned shall prescribe regulations for purposes of making deposits in the Department of Defense Education Benefits Fund under section 3065 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 (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section is reduced by the lesser of—

"(A) the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1); or

"(B) the amount of the overpayment.

"(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection.

"(B) for a reason referred to in section 3601(a)(1)(A)(i) of this title.

"(h) MODIFICATION OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section were approved by such Secretary during the preceding year.

"(i) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner of the applicability of the administrative provisions referred to in subsection (b)(5) to a dependent to whom entitlement is transferred under this section.

"(1) ANNUAL REPORTS.—(1) Not later than January 31, 2003, and each year thereafter, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by such Secretary during the preceding year.

"(2) Each report shall set forth—

"(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding year;

"(B) the aggregate of transfers of entitlement under this section that were approved by such Secretary during the preceding year.

"(m) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ means—
“(1) The Secretary of the Army with respect to matters concerning the Army;”

“(2) The Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;”

“(3) The Secretary of the Air Force with respect to matters concerning the Air Force;” and

“(4) The Secretary of the Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.”

“(b) Treatment Under Department of Defense Education Benefits Fund.—Section 2002 of title 10, United States Code, is amended by inserting at the end the following:

“(4) The present value of future benefits payable from the Fund for the Department of Defense to any person whose service records are to be reviewed under section 203 of this title during such period shall be included in the computation of the amount authorized to be appropriated to the Department of Defense Education Benefits Fund under section 2002 of title 10, United States Code, for the fiscal year beginning on October 1, 2001.”

“(c) 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 Transportation propose to exercise the authority granted by section 3202 of title 38, United States Code, as amended by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority granted by that section.

“(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 under section 3203 of title 10, United States Code, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of subsection (b) of title 42, United States Code, as added by subsection (a) of section 3202 of title 38, United States Code, as amended by subsection (a) of section 3202 of title 38, United States Code, as amended by subsection (k) of that section for purposes of the exercise of the authority granted by that section.”

“SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) Eligibility.—Section 210a(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 Cruise.—Section 209(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 October 1, 2001.

Subtitle D—Decorations, Awards, and Commendations

SEC. 551. AUTHORITY TO AWARD THE MEDAL OF HONOR TO HUMBERT R. VERDIERE FOR VALOR DURING THE VIETNAM WAR.

(a) Authority.—(1) Chapter 337 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. No charge may be imposed for the issuance of the duplicate medal.

“(b) Special marking.—A duplicate medal of honor issued under this section shall be marked as a duplicate or 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.”

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3747 the following:

“§3747a. Medal of honor: issuance of duplicate medal.”

(2) Section 3747 of title 10, United States Code, is amended by striking “lost” and inserting “stolen, lost.”

(3) NAVY AND MARINE CORPS.—(1)(A) Chapter 854 of title 10, United States Code, is amended by striking “lost” and inserting “stolen, lost.”

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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 each such decoration having been determined by the Secretary concerned to be warranted and in the national interest.

(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) to a member or a former member of the armed forces in a retired status (as defined in section 1491(h) of title 32) who was discharged or released therefrom under conditions other than dishonorable; or

(2) Section 115(d) of title 38, United States Code, is amended by striking “Section 802 of title 10, United States Code, as amended by the Veterans Readjustment Benefits Act of 1974, and effective on October 1, 2001.”

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 authorize 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 during the period beginning on July 27, 1954, and ending on such date after that date as the Secretary considers appropriate.

SEC. 556. REPEAL OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jackson County, who was awarded the Medal of Honor pursuant to Public Law 105–101 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1996.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that 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).

SEC. 561. ACTIVITY 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 subsection:—

“(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) AUTHORIZATION.—Section 1491(b)(2) of section 1491 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”.

(b) 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 reti-

tered pay upon application under chapter 1223 of this title.

“(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 dishonorable; or

“(B) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.

“(b) FUNERAL HONORS DUTY ALLOWANCE.—

Section 4353(b) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(a) ALLOWANCE AUTHORIZED.”; and

(2) by adding at the end the following new subparagraph:

“(2) (A) The Secretary concerned may au-

thorize payment of an allowance to a mem-

ber or former member of the armed forces in a retired status (as defined in section 1491(h) of title 10) for participating 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.

(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 under section 12503 of this title or section 115 of title 32.”

(b) APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE.—Section 802 of title 10, United States Code, is amended—

(1) by inserting “in inac-

tive-duty training,” in the second sentence after “before the period.”

(2) by striking “inactive-duty training,” and all that follows through “duty training.”

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 564. MILITARY LEAVE FOR CIVILIAN EMPLOYEES SERVING AS MILITARY MEMBERS OF FUNERAL HONORS DETAILS.

Section 632(a)(1) of title 5, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking “active duty, inactive-duty training.”

(2) in paragraph (2), by striking “active duty, inactive-duty training,” and all that follows through “as defined in section 101(d)(1) of title 10.”

(3) by adding at the end of paragraph (2) the following new subparagraph:

“(4) The entitlement under paragraph (1) applies to the performance of duty or training as a member of the armed forces or member of the National Guard, as follows:—

“(A) Active duty.

“(B) Inactive duty training (as defined in section 101(d)(1) of title 37).

“(C) Field or coast defense training under section 12503 of title 10 or section 115 of title 32.

“(D) Funeral honors duty under section 12503 of title 10 or section 115 of title 32.”

Subtitle F—Uniformed Services Overseas Voting Rights and Assistance Act of 2001

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 abil-

ity of each uniformed services voter to exer-

cise their right to vote; and

(b) PAYMENT OF A DEATH GRATUITY.—Section 1745(a)(2) of title 10, United States Code, is amended—

(1) by striking “or while engaged in funeral honors duty” after “Public Health Service,”; and

(2) by striking “and” after “Public Health Service,”; and

(3) by inserting “in inactive-duty training,” after “Public Health Service,”.

SEC. 572. ATTACHMENT FOR ACTIVITY DUTY END STRENGTH               EXCLUSION FOR RESERVES ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR FUNERAL HONORS DUTY.

Section 1561(b)(1) of title 10, United States Code, is amended—

(1) by striking “in an” after “inac-

tive-duty training”; and

(2) by striking “at the” before “in active-duty training.”

SEC. 573. ATTACHMENT FOR ACTIVITY DUTY END STRENGTH EXCLUSION FOR RESERVES ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR DUTY IN A RETAINED HEALTH SERVICE.

Section 1561(b)(1) of title 10, United States Code, is amended—

(1) by striking “in an” after “inac-

tive-duty training”; and

(2) by striking “at the” before “in active-duty training.”
(2) perform their duties with the intent to ensure that:
(A) each uniformed services voter receives the utmost consideration and cooperation when voting;
(B) each valid ballot cast by such a voter is duly counted; and
(C) all eligible American voters, regardless of race, sex, national origin, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) **Uniformed Services Voter Defined.**—In this section, the term ‘unified services voter’ means—
(1) a member of a unified 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 non-voter, 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 UNIFIED 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 ‘‘State’’ and inserting ‘‘in General’’—
‘‘(1) in General.—State may not refuse to count a ballot submitted in an election for Federal office by an absent united services voter solely—
‘‘(A) on the grounds that the ballot lacked a notarized witness signature, an address, other than on a Federal write-in absentee ballot, and a mailing statement—Provided, That there are other indica that the vote was cast in a timely manner; 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 Filing Deadlines Under State Law.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent united services voters of any ballot submission deadline applicable under state law.

(b) **Effective Date.**—The amendments made by this subsection shall apply with respect to United States absentee voter registration applications and absentee ballots cast on or after the effective date for the next election for a Federal office for which a voter registration application has been submitted under paragraph (3), and shall apply to elections that occur after the date of enactment of this Act.

SEC. 573. **GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S. App. 590 et seq.) is amended by adding at the end the following:

‘‘SEC. 704. (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 any other 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 that absence—

‘‘(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;

‘‘(2) be deemed to have acquired a residence or domicile in any other State; or

‘‘(3) be deemed to have become a resident in any other 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 ABSENTEE VOTING RIGHTS FOR ABSENT UNIFIED 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-1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection—

‘‘(b) **Elections for State and Local Offices.**—Each State shall—

(1) permit unified services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices;

(2) accept and process, with respect to any election described in paragraphs (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 ‘‘FOR FEDERAL OFFICE’’.

SEC. 575. **USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.**

Subsection (b) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), 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;

(3) by inserting at the end of paragraph (3) the following new paragraph (4):

‘‘(4) accept and 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-1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

‘‘(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a calendar year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official 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 101(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system,

(2) **Authority to Delay Implementation.**—If the Secretary of Defense determines that the implementation of the demonstration project, with respect to any State, 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 such demonstration project until the regularly scheduled general election for Federal office in 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay the implementation of the demonstration project.

(b) **Coordination With State Election Officials.**—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) **Report to Congress.**—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

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 implementation of 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 branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the 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. **MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VETERANS TO VOTINGpolls.**

(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 unified services voter to vote in any election for which a voter registration application has been submitted 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.

(c) **Definitions.**—In this section:

(1) the term ‘‘State’’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

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(2) The term “recently separated uniformed services voter” means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(a) presents to the election official Department of Defense form 214 evidencing their former status as a voter, or any other official proof of such status; and

(b) is no longer such a voter; and

(c) is otherwise qualified to vote.

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 to the Secretary of Defense that represents that State.

(b) REPORT WORLDWIDE.—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.

(1) The term “legislative recommendation” means the head of the executive department designated to each Member of Congress that represents that State.

(2) 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 for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term “legislative recommendation” means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

Title G—Other Matters

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 1782 of title 10, United States Code, is amended to read 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 surviving members of the families of deceased members and deceased retired members)."

(b) Federal Recordkeeping Requirements—Subsection (c) of such section is amended to read as follows:

(1) Federal Recordkeeping Requirements—Subsection (a) of such section (42 U.S.C. 1973ff-3) is amended by adding the end of such subsection—

"(1) The Secretary concerned may prescribe in the 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 surviving members of the families of deceased members and deceased retired members)."

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 enacted into law by Public Law 106–398; 114 Stat. 1654A–130) is amended—

(1) in subparagraphs (A) and (D), by inserting “Army Reserve” after “Regular Army” and “and” after “Army Reserve”;

(2) in subparagraph (B), by striking “and chain of command,” and inserting “and chain of command, and”.

(b) Extension of Authority.—Subsection (e) of such section is amended by striking “December 31, 2005” and inserting “September 30, 2005”.

(c) Extension of Time for Reports.—Subsection (g) of such section is amended by striking “February 1, 2006” and inserting “February 1, 2005”.

SEC. 583. OFFENSES OF DRUNKEN OPERATOR 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 applies 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 the 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 104a of title 10, United States Code, is amended by striking “legal assistant attorneys” and inserting “legal assistant attorneys”.

(b) Other Civilian Employees Designated to Act as Notaries Abroad.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(5) For the performance of notarial acts at locations outside the United States, all employees of the Department of Defense or the Coast Guard who are designated by regulations of the Secretary concerned 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 of such chapter—

81558. Exclusive remedies in cases involving selection boards

(b) Correction of Military Records.—The Secretary may correct a person’s military records in accordance with a recommendation made by a special board. Any such correction shall be effective, retroactive, as of the effective date of the recommendation and section (2) and inserting “legal assistant attorneys”:

(2) If the person does not consent to a recommendation of a selection board, the person shall receive back pay and allowances (less appropriate offsets) and service credit for the period beginning on the date of the person’s separation, retirement, or transfer to the retired reserve or to inactive status in a reserve component, as the case may be, and ending on the earlier of—

(1) the date on which the person would have been so restored under paragraph (2), as determined by the Secretary concerned; or

(2) the date on which the person would otherwise have been separated, retired, or transferred to the retired reserve or to inactive status in any reserve component, as the case may be.

(c) Finality of Unfavorable Action.—If a special board makes a recommendation not to correct the military records of a person regarding action taken in the case of that person on the basis of a previous report of a selection board, the person may appeal to the special board on that report shall be considered as final as of the date of the action taken on that report.

(d) Regulations.—(1) The Secretary concerned may prescribe regulations to carry out this section (other than subsection (e)) with respect to the armed force or armed forces under the jurisdiction of the Secretary.

(2) The Secretary may prescribe in the regulations the circumstances under which consideration by a special board may be provided for under this section, including the following:

(1) The circumstances under which consideration of a person’s case by a special board is contingent upon application by or for that person.

(3) Time limits applicable to the filing of an application for consideration.

(4) Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

(5) Judicial Review.—(1) A person challenging for any reason the action or recommendation of a selection board, or the action taken by the Secretary concerned on the report of a selection board, that is not taken under this section may be determined to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law. If a court sets aside the determination on that report, it may remand the case to the Secretary concerned for further consideration or to a special board under this section or the Secretary concerned may determine to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law. In any such case, the court may set aside the Secretary’s determination only if the court finds the determination to be 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 for further consideration or to a special board, who shall provide for consideration of the person by a special board.
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588. ACCOMMODATION OF VOLUNTARY LEGAL ASSISTANCE FOR THE MILITARY, FAMILES OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES, AND THEIR DEPENDENTS.

A. AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(b) Legal services voluntarily provided as legal assistance under section 1044 of this title.

(2) Section 1045 of this title (relating to military malpractice), for a person voluntarily providing legal services accepted under subsection (a)(6), as if the person were providing those services as an legal staff within the Department of Defense.".

SEC. 587. EXTENSION OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–86; 113 Stat. 641; 10 U.S.C. 1652 note) is amended by striking “three years after the date of the enactment of this Act” and inserting “April 24, 2003”.


(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"(1) The term "special board"—

(A) means a board the Secretary concerned convenes under section 1552 of this title, and any other board convened by the Secretary concerned under any authority to recommend persons for appointment, enlistment, assignment, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status for the purpose of reducing the number of persons serving in the armed forces; and

(B) does not include—

(i) a promotion special selection board convened under section 628(a)(1) or (b)(1) of this title; or

(ii) a special board;

(iii) a selection board convened under section 628 of this title; or

(iv) a board for 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 special selection boards.

(b) SPECIAL SELECTION BOARDS.—Section 628 of such 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 made by the Secretary concerned under subsection (a)(1) or (b)(1) to convene a special selection board in the case of a request for the convening of a special selection board under this section. If the court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the officer or former officer by another special selection board.

(2) A court of the United States may review the action of a special selection board convened under this section upon the request of an officer or former officer of the armed forces and any action taken by the President on the report of the board. If the court finds that the action was contrary to law or involved a material error of fact or a material administrative error, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the officer or former officer by another special selection board.

(3) (A) For the purposes of this subsection, the Secretary concerned shall be deemed to have denoted a special selection board convened under subsection (a)(1) or (b)(1) in the case of an officer or former officer by a special selection board convened under this section or a special board convened under section 1552 of this title.

(B) In a case if the Secretary determines that a longer period for consideration of the case for the purposes of this subsection is warranted. The Secretary of a military department may not delegate authority to make a determination under this subparagraph:

(i) to make a determination under this subparagraph:

(ii) to determine that a longer period for consideration of the case for the purposes of this subsection is warranted.

(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 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 the Armed Forces being considered 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. ACCESSION OF VOLUNTARY LEGAL ASSISTANCE FOR THE MILITARY, FAMILIES OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES, AND THEIR DEPENDENTS.

SEC. 589. ExtENsion of defense task force on domestic violence.

Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–86; 113 Stat. 641; 10 U.S.C. 1652 note) is amended by striking “three years after the date of the enactment of this Act” and inserting “April 24, 2003”.


(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:
The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from those annual meetings sanctioned by the Department of Defense in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.

(b) Effective Date.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001.

SEC. 589. 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 on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) Report.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes 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.

(5) 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, is 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:
(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 enlisted member, for which at least 1,460 points have been credited under subsection (a) shall take effect on a person 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 12733(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—AUTHORIZED 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 part or in full 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 Secretary concerned; and

"(B) the member attains the learning objectives required for the period of instruction or duty, as determined under regulations prescribed by the Secretary concerned.

"(2) Acceptable means of pursuit of the satisfaction of such requirements include electronic, document, or distance learning.

(b) Definition of Inactive-Duty Training.—Section 101(22) of title 37, United States Code, is amended by inserting "not including correspondence courses" after "as a uniformed service".

SEC. 604. CLARIFICATIONS FOR TRANSITION TO REFORMED BASIC ALLOWANCE FOR SUBSISTENCE.

(a) Baseline Amount for Calculating Allowance for Members.—For the purposes of section 402(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 $233.

(b) Rate for Enlisted Members When Missing Facilities Not Available.—(1) Sections 492 of title 37, United States Code, the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operated as a service in the Navy, may prescribe a rate of basic allowance for subsistence to apply to enlisted members of the uniformed services when messing facilities of the United States are not available. The rate may be higher than the rate of basic allowance for subsistence that would otherwise be applicable to the members under that section, but may not be higher than the highest rate that was in effect for enlisted members of the uniformed services under those circumstances before the date of the enactment of this Act.

(2) Paragraph (1) shall cease to be effective on the first day of the first month for which the basic allowance for subsistence calculated for enlisted members of the uniformed services under section 402 of title 37, United States Code, exceeds the rate of the basic allowance for subsistence prescribed under that paragraph.

(c) Date for Early Termination of BAS Transition Authority.—Section 603 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1144; 37 U.S.C. 308d(c)) is amended by striking "October 1, 2002," and inserting "January 1, 2002,".

SEC. 605. INCREASE IN BASIC ALLOWANCE FOR HOUSING IN THE UNITED STATES.

(a) Acceleration of Increase.—Subsection 403(b)(1) of title 37, United States Code, is amended by adding at the end the following: "After September 30, 2002, the rate prescribed for a grade and dependency status for a military housing area in the United States by law or regulation for the median cost of adequate housing for members in that grade and dependency status in that area, as determined on the basis of the costs of adequate housing determined for the area under paragraph (2),".

(b) Fiscal Year 2002 Rates.—(1) Subject to subsection (b)(3) of section 403 of title 37, United States Code, in the administration of section 403 for fiscal year 2002, the monthly amount of a basic allowance for housing for an enlisted member of the uniformed services for a member of a uniformed service shall be equal to 92.5 percent of the monthly cost of adequate housing 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 for a member 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 paid under section 403(b)(3) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(c) Members Enlisted or Serving Before enactment Date.—Section 308d(c) of title 37, United States Code, is amended by striking "January 1, 2002," and inserting "January 1, 2003.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTRED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Bonus.—Section 312a(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(b) Accession Bonus for Registered Nurses.—Section 302a(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302a(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITY FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312a(c) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(b) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(c) Nuclear Officer Annual Incentive Bonus.—Section 312b(d) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENTS OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301a(a) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(b) Reenlistment Bonus for Active Members.—Section 302b(i) of such title is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(c) Bonuses for Enlistment for Two or More Years.—Section 306 of such title is amended by striking "December 31, 2001," and inserting "December 31, 2002.

(d) Incentive Retention Bonus for Members with Special Skills.—Section 323(a) of such title is amended by striking "December 31, 2001," and inserting "December 31, 2002.

SEC. 615. BONUSES FOR MILITARY PERSONNEL OF MARITIME VISIT, BOARD, SEARCH, AND SEIZURE TEAMS.

(a) Eligibility.—Section 301a(a) of title 37, United States Code, is amended—

(1) by striking "or" at the end of paragraph (10),

(2) by striking the period at the end of paragraph (11) and inserting "; and,

(3) by inserting at the end the following new paragraph:
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(12) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2002.

SEC. 616. SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY.—Section 301c of title 37, United States Code, is amended by adding at the end of such section—

(b) Conforming Amendments.—(1) Subsection (a) of such section is amended—

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(d) LIMITATION ON ELIGIBILITY FOR CRITICAL SKILLS.

SEC. 620. MODIFICATION OF THE NURSE OFFICER CANDIDATE ADMISSION PROGRAM RESTRICTION ON STUDENTS ATTENDING NURSES’ TRAINING INSTITUTIONS WITH SENIOR RESERVE OFFICERS’ TRAINING PROGRAM.

Section 2130a of title 10, United States Code, is amended—

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".
“(1) was subject to hostile fire or explosion of hostile mines; or
“(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 on duty in that area, other employees were subject to hostile fire or explosion of hostile mine(s). An employee who
“(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or
“(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or analogous conditions.
“(b) 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.
“(c) 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.
“(d) An employee may be paid special pay under this section in addition to other pay and allowances to which he or she is entitled. Payments under this section may not be considered to be part of basic pay of an employee.”.
“(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of title 37, United States Code, is amended by inserting after the entry for section 411f the following new section—
“§407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station
“(a) AUTHORITY.—(1) 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 armed forces who is entitled to dislocation allowance under this section 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 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 section is $500.
“(2) An attendant accompanying a person who is in a pay grade E-4 (or more years of service) or above.
“(c) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be provided to and from a cemetery and may not exceed the rates for 2 days and
“SEC. 632. ELIGIBILITY FOR PAYMENT OF SUBSISTENCE EXPENSES ASSOCIATED WITH INCURRANCE OF TEMPORARY LODGING INCIDENT TO REPORTING TO OR LEAVING PERMANENT DUTY STATION.
“(a) OFFICER PERSONNEL.—Section 404(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 ALLOWANCE.
“(a) MEMBERS WITH DEPENDENTS WHO APPLIED TO WORK AT A FAMILY QUARTERS.—(A) Section 411f (except (b) and (c)(1) of such section). (B) Effective Date.—Section 411f of title 37, United States Code, shall take effect on October 1, 2001.
“SEC. 634. ALLOWANCE FOR DISLOCATION FOR THE CONVENIENCE OF THE GOVERNMENT AT HOME STATION.
“(a) AUTHORITY.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this section is $500.
“(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.
“(c) ELIGIBILITY FOR DISLOCATION ALLOWANCE.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this section may be provided to and from a cemetery and may not exceed the rates for 2 days and
“SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCE FOR THE DECEASED MEMBER OF THE UNIFORMED SERVICES.
“(a) CONSOLIDATION OF AUTHORITY.—Section 411f of title 37, United States Code, is amended—
“(1) in subsection (a)—
“(A) by inserting ‘‘allowances authorized under section 2401 of title 37, United States Code, shall take effect on October 1, 2001.’’;
“(B) by striking ‘‘deceased member’’ and inserting ‘‘member of the family of a deceased member’’;
“(C) by striking ‘‘such depended member’’ and inserting ‘‘such dependents’’; and
“(D) by striking at the end the following new paragraph:
“(1) the person directing the disposition of the remains of the deceased member who is entitled to basic pay of an employee.
“(2) the person directing the disposition of the remains of the deceased member who is entitled to basic pay of an employee.
“(b) EFFECTIVE DATE.—Section 411f of title 37, United States Code, is amended by striking ‘‘October 1, 2001. ‘‘(c) ELIGIBLE MEMBERS OF FAMILY.—The following members of the family of a deceased member of the uniformed services are eligible for travel and transportation allowances under this section:
“(1) The surviving spouse (including a remarried surviving spouse) of the deceased member.
“(2) The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.
“(3) If no person described in paragraphs (1) and (2) is provided travel and transportation allowances under this section, the parent or parents 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 directing the disposition of the remains of the deceased member who is entitled to basic pay of an employee.
“(b) the person directing the disposition of the remains of the deceased member who is entitled to basic pay of an employee.
“(c) The term ‘burial ceremony’ includes the following:
“(1) The ceremony and may not exceed the rates for 2 days and
“SEC. 636. ELIGIBILITY FOR DISLOCATION ALLOWANCE.
“(a) MEMBERS WITH DEPENDENTS WHO APPLIED TO WORK AT A 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
“(ii) is without dependents;
“(iii) actually moves with the member’s spouse to a new permanent duty station; and
“(B) by inserting at the end of such section and is qualified to serve as the attendant.
“(c) by adding the following new paragraph:
“(b) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this section may be provided to and from a cemetery and may not exceed the rates for 2 days and
“SEC. 637. TRAVEL AND TRANSPORTATION ALLOWANCE FOR A DECEASED MEMBER OF THE UNIFORMED SERVICES.
“(a) CONSOLIDATION OF AUTHORITY.—(A) Section 411f of title 37, United States Code, is amended—
“(1) by striking ‘‘allowances authorized under section 2401 of title 37, United States Code, shall take effect on October 1, 2001.’’;
“(B) by striking ‘‘deceased member’’ and inserting ‘‘member of the family of a deceased member’’;
“(C) by striking ‘‘such depended member’’ and inserting ‘‘such dependents’’; and
“(D) by inserting at the end the following new paragraph:
“(1) The term ‘burial ceremony’ includes the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(ii) by inserting before the period at the end the following:
“(1) Except as provided in paragraphs (2) and (3) of this title.
“(3) by striking subsection (c) and inserting the following:
“(1) by striking ‘‘except as provided in paragraph (2)’’ and inserting ‘‘LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3) of this title.’’;
“(B) A placement of cremated remains in a columbarium.

“(C) A memorial service for which reimbursement is authorized under section 1482(d) of this title.

“(D) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

“(2) The Secretary concerned may waive the provisions of paragraph (1) if the burial at that permanent station for medical reasons cannot be individually identified in a common grave in a national cemetery.

“(2) The Secretary concerned may waive the provisions of paragraph (1) if the burial at that permanent station for medical reasons cannot be individually identified in a common grave in a national cemetery.

“(B) A placement of cremated remains in a columbarium.

“(C) A memorial service for which reimbursement is authorized under section 1482(d) of this title.

“(D) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

“(2) The Secretary concerned may waive the provisions of paragraph (1) if the burial at that permanent station for medical reasons cannot be individually identified in a common grave in a national cemetery.

“(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 the preceding sentence and inserting the following:

“(3) The Secretary concerned may waive the preceding sentence and inserting the following:

“(1) in the first sentence of paragraph (1) does not apply in the case of a member who elects to serve a tour of duty unaccompanied by his dependents at the member’s permanent station because a dependent cannot accompany the member to or at that permanent station for medical reasons certain facilities in health care provider in accordance with regulations prescribed for the administration of this section.”;

“(B) Effective Date. —This section and the amendments made by this section shall take effect on October 1, 2001.

“SEC. 630. FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES WHO WOULD NOT OTHERWISE BE CONSIDERED A FAMILY MEMBER.

“(a) Eligibility. —Section 5304 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(A) An authorized change in the home port of a vessel.

“(B) A transfer or assignment between two permanent stations in the continental United States when—

“(1) the member cannot, because of injury or illness, be transported in the motor vehicle between the permanent duty stations; or

“(2) the Secretary concerned determines that it is advantageous and cost-effective in terms of the Government for one motor vehicle of the member to be transported between the permanent duty stations.

“(c) 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. 650. 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:

“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation

“(a) Payment of Both Retired Pay and Compensation. —Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation under chapter 61 of this title at the time of the member’s retirement, or the conditions of the order, drive the Secretary concerned shall pay an annuity under section 1448(d) of title 38, United States Code, as added by the amendment made by this section, as the case may be.

“(b) Effective Date. —This section and the amendments made by this section shall take effect on October 1, 2001.

“SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE IN ACTIVE DUTY.

“(a) Surviving Spouse Annuity. —Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(i) In the case of an annuity under this subchapter to the surviving spouse of—

“(ii) In the case of an annuity payable to a member described in paragraph (1) and completing 20 years of active service based upon his years of active service when he died, and inserting ‘based upon the following’; and

“(B) by adding at the end the following new clause:

“(ii) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1445(b) or 1407 of this title as if the member had been retired under section 12101 of this title on the date of the member’s death with a disability rated as total.

“(ii) In the case of an annuity payable under section 1448(d)(1) of this title by reason of the death of a member not in line of duty or the member’s years of active service when he died.

“(c) Exception. —Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1465 of this title at the time of the member’s retirement.

“(d) Definitions. —In this section:

“(1) the term ‘retired pay’ includes regular pay, overseas emergency officers’ retirement pay, and naval pension.

“(2) The term ‘veterans’ disability compensation’ has the meaning given by the term ‘compensation’ in section 1413 of title 38.

“(b) Repeal of Special Compensation Program. —Section 1413 of such title is repealed.

“(c) Repeal of Special Compensation Program. —The table of sections at the beginning of this chapter is amended—

“(1) by striking the item relating to section 1413; and

“(2) by adding at the end the following new item:

“H6975 - H6975

“Subtitle D—Matters Relating to Retirement and Survivor Benefits

“SEC. 650. 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:

“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation

“(a) Payment of Both Retired Pay and Compensation. —Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation under chapter 61 of this title at the time of the member’s retirement, or the conditions of the order, drive the Secretary concerned shall pay an annuity under section 1448(d) of title 38, United States Code, as added by the amendment made by this section, as the case may be.

“(b) Effective Date. —This section and the amendments made by this section shall take effect on October 1, 2001.

“(c) Exception. —Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1465 of this title at the time of the member’s retirement.

“(d) Definitions. —In this section:

“(1) the term ‘retired pay’ includes regular pay, overseas emergency officers’ retirement pay, and naval pension.

“(2) The term ‘veterans’ disability compensation’ has the meaning given by the term ‘compensation’ in section 1413 of title 38.

“(b) Repeal of Special Compensation Program. —Section 1413 of such title is repealed.

“(c) Repeal of Special Compensation Program. —The table of sections at the beginning of this chapter is amended—

“(1) by striking the item relating to section 1413; and

“(2) by adding at the end the following new item:

“H6975 - H6975

“Subtitle D—Matters Relating to Retirement and Survivor Benefits

“SEC. 650. 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:

“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation

“(a) Payment of Both Retired Pay and Compensation. —Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation under chapter 61 of this title at the time of the member’s retirement, or the conditions of the order, drive the Secretary concerned shall pay an annuity under section 1448(d) of title 38, United States Code, as added by the amendment made by this section, as the case may be.

“(b) Effective Date. —This section and the amendments made by this section shall take effect on October 1, 2001.

“(c) Exception. —Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1465 of this title at the time of the member’s retirement.

“(d) Definitions. —In this section:

“(1) the term ‘retired pay’ includes regular pay, overseas emergency officers’ retirement pay, and naval pension.

“(2) The term ‘veterans’ disability compensation’ has the meaning given by the term ‘compensation’ in section 1413 of title 38.

“(b) Repeal of Special Compensation Program. —Section 1413 of such title is repealed.

“(c) Repeal of Special Compensation Program. —The table of sections at the beginning of this chapter is amended—

“(1) by striking the item relating to section 1413; and

“(2) by adding at the end the following new item:
follows and inserting "as described in subparagraph (A)."

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such chapter is amended by striking "Retirement-Eligible"

(2) Subsection (d)(3) of such section is amended by striking "1448(d)(1)(B) or 1448(d)(1)(C)" and inserting "clause (ii) or (iii) of section 1448(d)(1)(A)"

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR ENSURING FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond Nuclear Disarmament Authorization Act for Fiscal Year 1999 (Public Law 106-551; 112 Stat. 2662; 50 U.S.C. 98d note) is amended

(1) by striking "and" at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking "$720,000,000" and inserting "$760,000,000"; and

(B) by striking the period at the end and inserting "and";

(3) by adding at the end the following new paragraph:

"(5) $770,000,000 by the end of fiscal year 2011."

(e) EFFECTIVE DATE AND APPLICABILITY.—This amendment made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle E—Other Matters

SEC. 661. EDUCATION SAVINGS PLAN FOR RE-ENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§1448a. Incentive bonus: savings plan for education expenses and other contingencies

"(a) Benefit and Eligibility.—The Secretary concerned may authorize United States savings bonds for the member under this section for a commitment by a member 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 ten years after enlistment, 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 requirements (whether or not such requirements are designated 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 for which a benefit has previously been paid under this section.

(c) Forms of Commitment to Additional Service.—For the purposes of this section, a commitment means—

(1) a commitment that is entered into by a member of the armed forces on active duty;

(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 (2) of subsection (a), the amount that bears the ratio of $20,000,000 to the total of the face amounts of any United States savings bonds previously purchased for the member under this subsection.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount that bears the ratio of $20,000,000 to the total of the face amounts of any United States savings bonds previously purchased for the member under this subsection.

(3) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount that bears the ratio of $30,000,000 to the total of the face amounts of any United States savings bonds previously purchased for the member under this subsection.

(4) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount that bears the ratio of $50,000,000 to the total of the face amounts of any United States savings bonds previously purchased for the member under this subsection.

(f) Amount Withheld for Taxes.—Total amounts purchased for the member under this section and salvage proceeds from the sale of United States savings bonds for the member under this section shall be subject to taxation under chapters 1 and 3 of the Internal Revenue Code of 1986.

(g) Regulatory Authority.—This section shall be administered under regulations prescribed by the Secretary concerned as critical to meet requirements (whether or not such requirements are designated as critical to meet wartime or peacetime requirements).

(h) Relationship to Other Special Pay.—The benefit authorized under this section in addition to any bonus or incentive special pay that is paid or available to a member under any other provision of this title shall be in addition to any other provision of this title.

(i) Regulations.—This section shall be administered under regulations prescribed by the Secretary concerned as critical to meet requirements (whether or not such requirements are designated as critical to meet wartime or peacetime requirements).

(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 deaths of members of the Armed Forces occurring on or after that date.

(k) Funding for Fiscal Year 2002.—Of the amounts 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 section 324 of 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 by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and by inserting after subsection (a) the following new subsection (b):

"(b) Eligibility of New Members.—(1) The Secretary concerned shall authorize a new member of the Ready Reserve to use commissary stores for the purchase of United States savings bonds for a number of days accruing at the rate of two days for each month in which the member participates satisfactorily in training required by section 10167(a)(1) of this title or section 502(a)(1) of this title, as the case may be.

(2) For the purposes of paragraph (1), a person shall be considered as a member of the Ready Reserve upon becoming a member and continuing without a break in the membership until the earlier of—

(A) the date on which the member becomes eligible to use commissary stores under subsection (a); or

(B) December 31 of the first calendar year in which the membership has been continuous for the entire year.

(3) A new member may not be authorized under this subsection to use commissary stores for more than 24 days for any calendar year.

(b) Required Documentation.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following:

"(2) By reason of a commitment by that member for a number of days accruing at the rate of two days for each month in which the member participates satisfactorily in training required by section 10167(a)(1) of this title or section 502(a)(1) of this title, as the case may be."

(c) Conforming Amendment.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking "Subsection (a)" and inserting "Subsections (a) and (b)".

(d) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§1063. Use of commissary stores: members of Ready Reserve.

(2) Subsection (a) of such section is amended by striking "with 50 or More Creditable Points." and inserting "With 50 or More Creditable Points.".

(3) The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United States Code, is amended to read as follows:

"1063. Use of commissary stores: members of 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(h) of the Public Health Service Act (42 U.S.C. 213a(a) is
amended by adding at the end the following new paragraph:

“(17) Section 1059. Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.”.

(b) COMMISSIONED OFFICERS OF THE NATIONAL ORGANIC AND ATMOSPHERIC ADMINISTRATION OF THE AIR FORCE.

“The Act is amended by striking paragraph (17).

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed child care and youth services for children of personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the extent that such services were provided during the Persian Gulf War.

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF INPATIENT AND OUTPATIENT CARE.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program 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 into the care to be provided to beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REFRAIN 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 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 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 paragraphs:

“(8) The term ‘domiciliary care’ means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient 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;

“(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 10741 the following new section:

“1074j. Long term care benefits program.

“(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health benefits under the TRICARE program in an effective and efficient manner that integrates those benefits 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 acquired by contract under section 1079 of this title.

(2) Extended care services.

(3) Post-hospital extended care services.

(4) Comprehensive intermitent home health services.

(5) Duration of post-hospital extended care services. The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (a)(3) shall not apply with respect to the care provided to this patient.

(6) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, prescribe regulations to carry out this section.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘extended care services’ has the meaning given the term in subsection (b) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

“(2) The term ‘post-hospital extended services’ has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

“(3) The term ‘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).

“(4) The term ‘skilled nursing facility’ has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

“(5) The term ‘spell of illness’ has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 10741 the following new item:

“1074j. Long term care benefits program.”.

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) The 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 qualifying 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 services necessary to maintain or to minimize, or to minimize the 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 in 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.

(3) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

(B) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermitent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if

(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependents in a skilled nursing facility.

(2) Subsection (a) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits for the care of a dependent under this section.

(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

(A) In the case of a member in the lowest enlisted pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

(7) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

(i) the Government’s share of the total cost of providing such benefits in any month shall not exceed $250.

(ii) a member is exempt from paying under subparagraph (B); and

(iii) the Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072 of title 10, United States Code, in carrying out this section.

“§ 1074j. Long term care benefits program.”

Sec. 1074j. Long term care benefits program.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health benefits under the TRICARE program in an effective and efficient manner that integrates those benefits 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 acquired by contract under section 1079 of this title.

(2) Extended care services.

(3) Post-hospital extended care services.

(4) Comprehensive intermitent home health services.

(5) Duration of post-hospital extended care services. The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (a)(3) shall not apply with respect to the care provided to this patient.

(6) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, prescribe regulations to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ‘extended care services’ has the meaning given the term in subsection (b) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

(2) The term ‘post-hospital extended services’ has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

(3) The term ‘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).

(4) The term ‘skilled nursing facility’ has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

(5) The term ‘spell of illness’ has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 10741 the following new item:

“1074j. Long term care benefits program.”.
‘‘(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government’s share under clause (i).’’

‘‘(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall be required to pay for the month, under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that subparagraph for the month if the member were incurring expenses under that subparagraph for only one dependent.’’

‘‘(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries. The Secretary of Defense, in consultation with the Secretaries of the administering Secretaries, shall prescribe regulations to carry out this subsection.’’

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:


(2) The Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1280).


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:

‘‘(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part or organ which preserves or prevents 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 1079a(d) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential—

‘‘(A) achieving therapeutic benefit for the patient;

‘‘(B) making the equipment serviceable; or

‘‘(C) otherwise assuring the proper functioning of the equipment.’’

‘‘(2) An augmentative communication device (or other noninstitutional health care provider) 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(h)(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 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.’’

SEC. 707. 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 (d), by striking ‘‘such as wheelchairs, iron lungs, and hospital beds,’’ and inserting ‘‘which,’’ and

(2) by adding at the end the following new subsection:

‘‘(g)(1) 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 organ which preserves or prevents 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 1079a(d) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential—

‘‘(A) achieving therapeutic benefit for the patient;

‘‘(B) making the equipment serviceable; or

‘‘(C) otherwise assuring the proper functioning of the equipment.’’

‘‘(2) An augmentative communication device (or other noninstitutional health care provider) 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(h)(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 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.’’

SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of mental health benefits and services provided for members of the Armed Forces and covered beneficiaries under the TRICARE program. Not later than March 31, 2002, the Secretary shall submit to the Committees 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.

(b) EFFECTIVE DATE.—This title shall take effect on October 1, 2001.

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 MEMBERS OF ARMY RESERVE UNITS SCHEDULED FOR EARLY DEPLOYMENT.

Section 1074a of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 712. CLARIFICATION OF ELIGIBILITY FOR REIMBURSEMENT OF TRAVEL EXPENSES OF ADULT ACCOMPANYING PATIENT IN TRAVEL FOR SPECIALTY CARE.

Section 1074l of title 10, United States Code, is amended by inserting before the pe-
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 carry out a study of the uniformed services to determine the extent to which the Secretary of Veterans Affairs shall perform the functions and duties of the Secretary of Veterans Affairs under the authority of this subsection.

(c) REIMBURSEMENT.—The Secretary of Veterans Affairs shall provide for reimbursing the Secretary for the cost of TRICARE or other health benefits when not on active duty, for continuation of coverage by private sector health insurance or other health benefits plans; and (D) providing financial assistance for paying premiums or other subscription charges for continuation of coverage by private sector health insurance or other health benefits plans; and (E) Any other options that the Comptroller General determines advisable to consider.

SEC. 716. STUDY OF ADEQUACY AND QUALITY OF HEALTH CARE PROVIDED TO VETERANS UNDER THE DEFENSE HEALTH PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the adequacy and quality of the health care provided to women under chapter 55 of title 10, United States Code.

(b) BUDGET CONSIDERATION.—The study shall include an intensive review of the availability and quality of reproductive health care services.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than April 1, 2002.

SEC. 717. PILOT PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT FOR DEPARTMENT OF DEFENSE IN THE PERFORMANCE OF MEDICAL SEPARATION PHYSICAL EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly conduct a pilot program for the performance of medical separation examinations of members of the uniformed services required in connection with the separation of members of the uniformed services. The requirements of this section shall apply to the pilot program, if any, that is carried out under the authority of this subsection.

(b) PERFORMANCE OF PHYSICAL EXAMINATIONS BY DEPARTMENT OF VETERANS AFFAIRS.—Under the pilot program, the Secretary of Veterans Affairs shall perform the functions and duties of the Secretary of Veterans Affairs under the authority of this section.

(c) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report not later than April 1, 2002, describing the extent to which the Secretary and the Comptroller General determined advisable to consider.

(d) CONSULTATION REQUIREMENT.—In developing and carrying out the pilot program, the Secretary of Veterans Affairs shall consult with the administering Secretaries.

(e) REPORT.—Not later than January 31, 2004, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress an interim report on the conduct of the pilot program.

(f) MODIFICATION OF DEFINITIONS.—(1) In this section—

(2) The term "Secretary concerned" has the meaning given in section 101(5) of title 37, United States Code.

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subtitle section 721 of title 37, United States Code, is amended by inserting the following:

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION.—(1) In section 101(5) of title 37, United States Code, the term "Secretary concerned" has the meaning given in section 101(5) of title 37, United States Code.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(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 intent to grant a waiver under this subsection, the reasons for the waiver, and the date that a nonavailability statement will be required; and

(f) MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) AMENDMENT.—(1) In section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002, as amended by this section—

(b) AMENDMENT.—(1) In section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002, as amended by this section—

(c) MODIFICATION OF DEFINITIONS.—(1) In this section—

(d) MODIFICATION OF DEFINITIONS.—(1) In this section—

(e) MODIFICATION OF DEFINITIONS.—(1) In this section—

(f) MODIFICATION OF DEFINITIONS.—(1) In this section—

(g) MODIFICATION OF DEFINITIONS.—(1) In this section—

(h) MODIFICATION OF DEFINITIONS.—(1) In this section—

(i) MODIFICATION OF DEFINITIONS.—(1) In this section—

(j) MODIFICATION OF DEFINITIONS.—(1) In this section—

(k) MODIFICATION OF DEFINITIONS.—(1) In this section—

(l) MODIFICATION OF DEFINITIONS.—(1) In this section—

(m) MODIFICATION OF DEFINITIONS.—(1) In this section—

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(u) MODIFICATION OF DEFINITIONS.—(1) In this section—

(v) MODIFICATION OF DEFINITIONS.—(1) In this section—

(w) MODIFICATION OF DEFINITIONS.—(1) In this section—

(x) MODIFICATION OF DEFINITIONS.—(1) In this section—

(y) MODIFICATION OF DEFINITIONS.—(1) In this section—

(z) MODIFICATION OF DEFINITIONS.—(1) In this section—

(A) A member who is involuntarily separated from active duty.

(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation.

(C) A member who is separated from active duty for a period of more than 30 days.

(D) A member who is separated from active duty pursuant to a voluntary separation agreement.

(E) A member who is separated from active duty for a period of less than one year in support of a contingency operation.
that date. For forces who is released from active duty in provisions of that section, as in effect before 10, United States Code, by subsection (c), the standing the repeal of section 1074b of title military department, or command of that of- cial, the following:

LOGISTICS.

SEC. 801. MANAGEMENT OF PROCUREMENTS OF SERVICES.

The responsibilities of the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be carried out by a military department, or command, respectively.

(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 redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

“(5) the management of procurements for the services of the Department of Defense; and

(b) MANAGEMENT STRUCTURE.—Chapter 137 of title 10, United States Code, is amended—

(1) by striking—

“§ 2330a. Procurements of services: management structure

(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a structure for the management of procurements of services for the Department of Defense.

(b) DELEGATION OF AUTHORITY.—(1) The management structure shall provide for a designee a single person within each military department, or command, to exercise the responsibility for the management of the procurements of services for the official’s Defense Agency, military department, or command, respectively.

(2) 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) any other military department, or command.

(c) CONTRACTING RESPONSIBILITIES OF DESIGNATED OFFICIALS.—The responsibilities of an official designated under subsection (b) shall include, with respect to the procurements of services for the DoD, military department, or command of that official, to—

“(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 of the Department of Defense or through a contract entered into 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, to ensure that officials of the Department of Defense are accountable for the procurement of the services in accordance with the requirements of paragraphs (1) and (2) of section 2330a (as added by section 2330a of this title).

“(3) 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 procurements of services that is to be made through the use of—

“(A) a contract or task order that is not a performance-based contract or task order; or

“(B) a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense.

“(5) In the case of a purchase 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 used to collect data under this section and the Federal Acquisition Regulation for officials in the management structure established under section 2330a of this title.

“(d) DEFINITIONS.—In this section:

“(1) the term ‘performance-based’, with respect to a contract or a task order means 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.

“(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 guidelines to assist the officials in the management structure established under section 2330a of this title, United States Code (as added by paragraph (1)), regarding the responsibilities under that section. The guidelines shall include, at a minimum, the following:

(A) Specific dollar thresholds, approval levels, and criteria for advance approvals under subsection (c)(4) of such section 2330a.

(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 Secretary of Defense and are entered into or issued, by a military department, or command, respectively.

(c) TRACING OF PROCUREMENTS OF SERVICES.—Chapter 137 of title 10, United States Code, as amended by subsection (b), is further amended by inserting after section 2330a 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 identified by the Under Secretary of Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made by a military department, or command, or the Defense Agency, and shall report, and be accountable, to the Secretary of the Army;

“(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 procurement arrangement that contains firm fixed prices for the specific tasks to be performed;

“(B) an other performance-based contract, performance-based order, or performance-based arrangement; or

“(C) any contract, task order, or other arrangement that is not performance based.

“(e) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary issues the policy required by subsection (d) and the Under Secretary of Defense for Acquisition, Technology, and Logistics issues the guidance required by subsection (b)(2), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Represenatives an assessment of the compliance with the requirements of this section and the amendments made by this section.
(f) Definitions.—In this section:

(1) The term ‘‘senior procurement executive’’ means the official designated as the senior procurement executive under section 16(c) of the Federal Procurement Policy Act (41 U.S.C. 414(a)).

(2) The term ‘‘performance-based’’, with respect to a contract or a 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.

(g) Clerical Amendments.—(1) The heading for section 2331 of title 10, United States Code, is amended to read as follows:

**2331. Procurement of services for professional and technical services**.

(2) The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended to read as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2330a</td>
<td>Procurements of services: tracking</td>
</tr>
<tr>
<td>2331</td>
<td>Procurements of services: contracts for professional and technical services.</td>
</tr>
</tbody>
</table>

SEC. 502. 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 contracting;

(B) competition for task orders under services contracts; and

(C) program review, spending analyses, and improved management of services contracts.

(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 for fiscal year 2000 for procurements of services (other than military construction), as follows:

(1) By fiscal year 2002, a three percent reduction.

(2) By fiscal year 2003, a four percent reduction.

(3) By fiscal year 2004, a five percent reduction.

(4) 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) An estimate 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) An estimate 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 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 paragraph (1) and within 60 days after the date of the report, submit to Congress a report containing the Comptroller General’s assessment of the extent to which the Department of Defense has taken steps necessary to achieve the objective and goals established by subsection (a). In each report the Comptroller General shall, at a minimum, address—

(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.

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 Administrator of General Services shall promulgate in the Department of Defense Supplement to the Federal Acquisition Regulation on the requirement for competition in the purchase of 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 $10,000, under a multiple award contract shall be made on a competitive basis unless a contracting officer of the Department of Defense另有批准.

(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 Federal Acquisition Regulation (41 U.S.C. 414a). The report for a year shall include, at a minimum, for each military department and each Defense agency, the following:

(1) The number of waivers granted.

(2) The dollar value of the procurements for which the waivers were granted.

(3) The bases on 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 the multiple award schedule program referred to in section 2302(c) of title 10, United States Code; or

(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 301H through 301K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253 through 253k); and

(3) the term ‘‘competitive basis’’, with respect to an individual procurement of products or services under a multiple award contract, means procedures that—

(A) require fair notice to be provided to all contractors offering such products or services; and

(B) afford all such contractors a fair opportunity to make an offer and have that offer fairly considered by the official making the procurement.
“2431a. Risk reduction at program initiation.”

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) Section 2431a of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply to—

(A) any major defense acquisition program that is initiated on or after that date without a Milestone B approval having been issued for the program; and

(B) any 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 before the initiation of the program.

(2) In paragraph (1),

(A) the term “major defense acquisition program” has the meaning given the term in section 2304 of title 10, United States Code.

(B) the term “Milestone B approval” has the meaning given the term under section 2480 of title 10, United States Code (as added by subsection (a)).

SEC. 905. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2177 note) is amended by—

(1) 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 prototyped under the project.

(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) competitive 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 WORKFORCE STUDY.—

(a) REQUIREMENT FOR REPORT.—Not later than March 1, 2002, the Secretary of Defense 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 recommendations set forth in the final report of the Department of Defense’s 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 does not plan to implement,

(A) a summary of all actions that have been taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(2) For each recommendation in the final report that the Secretary does not plan to implement—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

(4) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General shall—

(1) review the report; and

(2) submit to the committees referred to in subsection (a) a general assessment of the extent to which the report—

(A) complies with the requirements of this section; and

(B) addresses the concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

SEC. 812. MORATORIUM ON REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—

(a) PROHIBITION.—Notwithstanding any other provision of law, a defense acquisition and support workforce may not be reduced, during fiscal years 2002, 2003, and 2004, below the level of that workforce as of September 30, 2001, determined on the basis of full-time equivalent positions.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (a) and 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 assumptions on which it is based, will be able efficiently and effectively to perform the workloads that are required of that workforce consistent with the cost-effective management of the defense acquisition system to obtain best value equipment and with ensuring military readiness.

(c) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term “defense acquisition and support workforce” means the personnel of the Department of Defense that—

(1) have the qualifications specified in Department of Defense Instruction 5000.58, dated January 14, 1992; or

(2) have passed an examination considered by the Secretary of Defense to demonstrate the person has skills, knowledge, or abilities comparable to that of a person who has completed the credits of study described in such section;

“(3) have satisfied such additional requirements for education and experience as the Secretary may prescribe.

“(A) through a combination of having completed all of the credits of study described in such section and having passed an examination, have demonstrated that the person has skills, knowledge, or abilities comparable to that of a person who has completed all of the credits of study described in such section;

“(B) have satisfied such additional requirements for education and experience as the Secretary may prescribe.

“(2) The table of sections at the beginning of each chapter is amended by inserting after the item relating to section 1721 the following new item:

“1724a. Contingency contracting force; qualification requirements.”

(b) EXCEPTIONS TO GENERALLY APPLICABLE QUALIFICATION REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

“(c) EXCEPTIONS.—(1) The requirements imposed under subsection (a) or (b) of this section shall not apply to a person for either of the following purposes:

“(A) In the case of an employee, to qualify to serve in the position in which the employee was serving on October 1, 1983, or in any other position in the same or lower occupational specialty.

“(B) In the case of a person who, before October 1, 1983, has been taken to implement the recommendation or other Department of Defense operation.

“(B) Qualification Requirements.—The Secretary of Defense shall prescribe the qualification requirements for a person appointed to a position in any contingency contracting force identified under subsection (a).

“(B) Qualification Requirements.—The Secretary of Defense shall prescribe the qualification requirements for a person appointed to a position in any contingency contracting force identified under subsection (a).

“(1) either—

“(A) have completed the credits of study as described in section 1724(a)(3) of this title;

“(B) have passed an examination considered by the Secretary of Defense to demonstrate the person has skills, knowledge, or abilities comparable to that of a person who has completed the credits of study described in such section;

“(C) through a combination of having completed all of the credits of study described in such section and having passed an examination, have demonstrated that the person has skills, knowledge, or abilities comparable to that of a person who has completed all of the credits of study described in such section; and

“(D) have satisfied such additional requirements for education and experience as the Secretary may prescribe.

“(2) The table of sections at the beginning of each chapter is amended by inserting after the item relating to section 1721 the following new item:

“1724a. Contingency contracting force; qualification requirements.”

SEC. 814. REVISION OF ACQUISITION WORKFORCE QUALIFICATION REQUIREMENTS.—

(a) SPECIAL REQUIREMENTS FOR MEMBERS OF A CONTINGENCY CONTRACTING FORCE.—(1) Subject of this section.

(2) A contracting officer in an executive agency with authority to award or administer contracts in excess of the simplified acquisition threshold (referred to in section 2304(g) of this title); or

(3) in a position in an executive agency other than those in the GS-1102 occupational series or as a member of the armed forces in a similar occupational specialty.

“(3) For the exception in subparagraph (A) or subparagraph (B) of paragraph (a) to apply to an employee with respect to the requirements imposed under subsection (a) or (b), the employee must—

“(A) on or before October 1, 2000—

“(1) have completed the credits of study as described in subparagraph (A) of subsection (a)(3);
ed by inserting after section 2381 the fol-
lowing new section:

*§2382. Consolidation of contract require-
ments: policy and restrictions*

(a) POLICY.—The Secretary of Defense shall ensure that each military department, the head of each Defense Agen-
cy, and the head of each Department of Defense Field Activity that the deci-
sions made by that official regarding con-
solidation of contract requirements of the department, agency, or activity as the case may be, are made with a view to providing small business concerns with appropriate op-
portunities to participate in Department of Defense procurements as prime contractors and 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 execute an acquisition strate-
gy that includes a consolidation of contract require-
ments of the military department, agency, or activity with a total value in ex-
cess of $5,000,000, unless the senior procure-
ment executive determines first:

(1) conduct market research;

(2) identifies any alternative contracting approaches that would involve a lesser de-
gree of consolidation of contract require-
ments; and

(3) determines that the consolidation is necessary and justi-
fied.

(c) DEFINITIONS.—In this subsection:

(A) The term "acquisition cycle" means
the number of such consolidations that were
or will be completed.

(B) The number and dollar value of con-
solidations of contract requirements with a
value in excess of $5,000,000, unless the senior procure-
ment executive determines that the consolidation is
necessary and justified.

(d) OFFICE OF PERSONNEL MANAGEMENT AP-
PROVAL OF GENERALLY APPLICABLE DESCRIPT-
IONS.—Section 1722c of title 10, United States Code, is amended—

(1) in subparagraph (c), by inserting "production of small business programs of a military department.

SEC. 822. CONSOLIDATION OF CONTRACT RE-
quirements—Rule of Construction

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amend-

(1) in subparagraph (C), by inserting "production of small business programs of a military department.

(b) APPLICABILITY.—Section 2410m of title 10, United States Code (as added by sub-
section (a)), shall apply to purchases initi-
ated on or after October 1, 2001.
(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement representative a copy of market research required under subsection (e)(2) of this section, and any other information furnished under such paragraph with a total value in excess of $5,000,000, upon request.

(3) 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 and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, and to the Secretary of Defense, on the effect of the Small Business Concerns Participation Program on the processing of small business concerns.

SEC. 823. COORDINATION AND CONTINUATION OF MENTOR-PROTEGE PROGRAM AS PERMANENT PROGRAM.

(a) In General.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2462 the following new section:

"§ 2463. Mentor-Protege Program

'(a) Establishment of Program.—The Secretary of Defense shall carry out a program known as the "Mentor-Protege Program".

'(b) Purpose.—The purpose of the program is to provide incentives for major Department of Defense contractors and subcontractors to furnish assistance to eligible small business concerns in order to increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts in order to increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts and other Federal Government contracts, and commercial contracts.

'(c) Participants.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter 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) In order for a business concern to be eligible for assistance under the Mentor-Protege Program, the mentor firm must provide assistance to an eligible small business concern which, if furnished under the program, would be a party to more than one agreement to receive such assistance at any 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 a small business concern in the event of a protest regarding the status of the business concern. If at any time the business concern is determined by the Administrator not to be such a small business concern, assistance furnished to the business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

'(d) Loans.—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 which the mentor firm may provide such assistance to eligible small business concerns participating in 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 to the mentor firm and the protege firm under such contracts exceeded $5,000,000; or

'(2) the mentor firm demonstrates the capability to assist in the development of a protege firm 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 such an agreement, a mentor firm shall enter into a protege firm 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;

'(b) the anticipated number and type of subcontracts to be awarded the protege firm.

'(2) A program participation term for any period of not less than one year, except that the term may be a period of up to 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.

'(f) Forms of Assistance.—A mentor firm may provide a protege firm the following:

'(1) Assistance, by using mentor firm personnel, in—

'(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 production, inventory control, and 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 a Department of Defense or other contract.

'(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance of such subcontract.

'(4) Advance payments under such subcontracts.

'(5) Loan(s).

'(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:


'(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.

'(g) 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 made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded to the mentor firm under the program.

'(2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for 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 supplies products or services to the Department, subject to a maximum amount of reimbursement specified in such contract. The preceding sentence shall apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement under a separate line item.

'(B) The determinations made in annual performance reviews of a mentor firm’s mentor-protege agreement under subsection (j)(2)(B) shall be the 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.

'(h) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished under 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 reimbursement of a higher amount.

'(i) (A) Costs incurred by a mentor firm in providing assistance to a protege firm that are reimbursable pursuant to paragraph (2) shall be recognized as credit in lieu of subcontracts for purposes of determining whether the mentor firm attains a subcontracting goal applicable to such mentor firm under a Department of Defense contract, under a contract with an executive agency, 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—

'(1) 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 other such costs.

'(j) Regulations prescribed pursuant to subsection (k), 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.

'(1) A mentor firm shall receive credit toward the attainment of a subcontracting goal applicable to such mentor firm for each subcontract for a product or service awarded under authority of a mentor firm to a business concern that, except for its size, would be a small business concern but for the presence or control by a corporation socially and economically disadvantaged business, but only if—

'(A) the size of such business concern is not more than two times the 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 such mentor firm, but was not terminated in such agreement in good faith on a written representation of the mentor firm.

'(2) 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 assistance to the protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in the determination.

1. Definitions. — In this section:
   (A) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine an eligible business concern as ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

2. The Small Business Administration may not require a firm that 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 in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.

3. The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs incurred to furnish assistance to the protege firm and shall determine on the basis of the review whether:

(a) The number of mentor-protege agreements that were that the individual is otherwise prevented from engaging in normal competitive employment.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 202 the following new item:

2043. Mentor-Protege Program.

(c) The separate mentor-protege agreements, if any, that was approved during the fiscal year in accordance with section 2406(e)(2) of title 10, United States Code (as added by subsection (a)), or section 831(g) of the National Defense Authorization Act for fiscal year 1991 (as in effect on the day before the date of the enactment of this Act) to provide a program participation term in excess of three years, together with the justification for the approval.

(d) Elach mentor-protege agreement, if any, that was approved during the fiscal year in accordance with section 2406(e)(2) of title 10, United States Code (as added by subsection (a)), or section 831(g) of the National Defense Authorization Act for fiscal year 1991 (as in effect on the day before the date of the enactment of this Act) to provide a program participation term in excess of three years, together with the justification for the approval.

(e) The term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1083(b)), as in effect on September 30, 1992.

(f) The term ‘severely disabled’ means any of the historically black colleges and universities referred to in section 3232 of this title.

(g) The term ‘disabled individuals and integrates severely disabled individuals into its workforce;

(h) The term ‘mentally disabled’ means any of the historically black colleges and universities referred to in section 3232 of this title.

(i) The term ‘unemployed’ means any of the historically black colleges and universities referred to in section 3232 of this title.

(j) The term ‘disabled’ means any of the historically black colleges and universities referred to in section 3232 of this title.
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 administrative review of the Mentor-Protege Program under section 831 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 proceedings 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 prohibit 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)(1), 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 requirement in section 811(f)(2) of the National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 107–30, 114 Stat. 1154A–213).}

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 paragraph (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 any contract 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 class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

"(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—

"(i) 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."
(c) RECONNAISSANCE OFFICE.—(1) Section 138(a) of title 10, United States Code, is amended by striking "nine" and inserting "eight".

(2) In section 138 of title 10, United States Code, is amended by striking "Secretary of Defense (9)" and inserting the following:

"(9) by inserting Secretaries of Defense (9)."

SEC. 902. RESPONSIBILITY OF UNDER SECRETARY OF THE AIR FORCE FOR ACQUISITION OF ORGANIZATION OF SPACE LAUNCH VEHICLES AND SERVICES. Section 805(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The Under Secretary shall be responsible for contracting for and managing, the acquisition of space launch vehicles and space launch services for the Department of Defense and the National Reconnaissance Office."

SEC. 903. SENSE OF CONGRESS REGARDING THE SELECTION OF OFFICERS FOR ASSIGNMENT AS THE COMMANDER IN CHIEF, 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 Commander of a combatant 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 commanders of the combatant commands and assignment to certain other joint positions in the grade of general or admiral, Congress provided temporary relief from the limitation on 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 1996 and thereafter extended that relief until September 30, 2003, but has also required that the Secretary of Defense be furnished the name 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 combatant commands have been filled successfully 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 position 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 each of the Armed Forces, the primary users of their transportation resources, 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 Defense should consider recommending to the President for appointment to the position of Commander in Chief, United States Transportation Command, a four-star officer serving as Commandant of the Marine Corps, to give careful consideration to recommending an officer of the Army or the Marine Corps.

SEC. 904. ORGANIZATIONAL REALIGNMENT FOR NAVY DIRECTOR FOR EXPEDITIONARY COMBATANTS. Section 503(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Requirements, Warfare, Requirements, and Assessments" and inserting "Office of the Deputy Chief of Naval Operations for Warfare Requirements and Assessments" and inserting "Office of the Deputy Chief of Naval Operations for Warfare Requirements and Assessments" and inserting "Office of the Deputy Chief of Naval Operations for Warfare Requirements and Assessments".

SEC. 905. REVISED REQUIREMENTS FOR CONTENT AND TONE OF ANNUAL REPORT ON JOINT WARGAMING EXPERIMENTATION. Section 845(b)(1) of title 10, United States Code, is amended—

(1) by inserting before the period at the end of paragraph (1) the following:—

"(1) by inserting the period at the end of paragraph (1) the following:—

"(1) by inserting the period at the end of paragraph (2) the following:—

"(2) by striking "and the acquisition of any technology of which has been empirically demonstrated through such experimentation;" and

(2) in paragraphs (a), (b) ("acquire"), and (c) ("including any prototype") after "or equipment."

SEC. 906. SUSPENSION OF REORGANIZATION OF ENGINEERING AND TECHNICAL AUTHORITY POLICY WITHIN THE NAVY SYSTEMS COMMAND. (a) SUSPENSION.—During the period specified in subsection (b), the Secretary of the Navy may not cause any major change in engineering or technical authority policy for the Naval Systems Command or its subsidiary activities.

(b) DURATION.—(1) The Secretary, and (a) applies during the period beginning on the date of enactment of this Act and ending 60 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy’s plans and justification for the reorganization of engineering and technical authority policy within the Naval Systems Command.

SEC. 907. CONFORMING AMENDMENTS RELATING TO CHANGE OF NAME OF AIR MOBILITY COMMAND. (a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(1) by striking "Military Airlift Command" in sections 255(d) and 255a(a) and inserting "Air Mobility Command"; and

(2) in section 8074, by striking subsection (c).

(b) TITLE 37, UNITED STATES CODE.—Sections 430(c) and 432(b) of title 37, United States Code, are amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

Subtitle B—Organization and Management of Space Activities

SEC. 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION. (a) AUTHORITY OF SECRETARY OF DEFENSE TO EXERCISE.—The authority in subsection (a) of the section of the title of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise such powers relating to space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

"(1) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

"(2) The deployment and use of space assets.

"(3) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

"(5) The coordination of military intelligence activities within the Department.

"(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

"(7) The coordination of space activities of the Department with commercial and civilian space activities.

"(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 5306(a)(2)(B) of title 10, United States Code.

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of that title is amended by striking "nine Assistant Secretaries of Defense" and inserting "ten Assistant Secretaries of Defense".

(3) DUTIES OF UNDER SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—Section 911 of that title is amended by adding at the end the following new paragraph:

"(7) Two of the Assistant Secretaries shall have as their principal responsibility supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.".

(4) CONFORMING AMENDMENTS.—Section 131(b) of that title is amended—

"(a) redesignate paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

"(b) by inserting after paragraph (5) the following new paragraph:

"(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 Personnel and Readiness” the following: “Director of the National Reconnaissance Office.”

(B) Section 5315 of title 5, United States Code, is amended by inserting at the end of the section: “Director of the National Reconnaissance Office.”

(6) C LERICAL AMENDMENTS.—The tables of, and the authority granted in subsection (a).

(7) EFFECTIVE DATE.—The amendments made by this section take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under section (c) of the exercise of the authority in subsection (a).

(8) Table of Organization and Function.


SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMES.

(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

"Sec. 2271. Responsibility for space programs.

"1. Responsibility for space programs.
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

(a) FISCAL YEAR 2002 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2002 for the common-funded budgets of NATO may be any amount up to, but not in excess of, 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 2001, of funds appropriated for the fiscal year 2002 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(c) The total amount of the contributions authorized to be made under section 2501.

(d) The Secretary of Defense, or the Under Secretary of Defense for Economic Readiness and Management, as the Secretary determines, shall authorize by appropriation, the Office of the Secretary of Defense, and the systems used by the Department of Defense, to allocate funds under subsection (a) 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 201(1), $2,354,000 for the Military Budget.

SEC. 1005. COMMON-FUNDED BUDGETS OF NATO

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 and any successor or additional account or program of NATO.

(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 being expected to be unreliable under any representation made by management, the audit is not to be conducted as directed or are to be redirected from the auditing of financial statements of the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(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 successive financial statement for the department or that component, as the case may be, for any later fiscal year.

SEC. 1005. CLASSIFICATION OF APPLICABILITY OF INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS TO CONTRACTORS FOR SERVICES

Section 101b(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–396; 114 Stat. 1654A–251) is amended by inserting before the period at the end of 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 before, on, or after that date’’.

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 of the annual report required by 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 3515(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 by the Department of Defense, for the preparation of financial statements allow the achievement of reliability in the financial statements.

(B) For each financial statement prepared by the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements, 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 adopted to the preparation of the financial statements;

(ii) detail the planned improvements in the process for the preparation of financial statements;

(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.

(D) The Secretary of the Treasury.

(E) The Comptroller General of the United States.

(F) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

(G) The Secretary of Defense shall submit information that is required by subparagraph (A)(i).

(2) 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 systems underlying financial management, or from the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

SEC. 1007. FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE AND FINANCIAL FEEDER SYSTEMS COMMISSION

(a) ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—The Secretary shall establish a Financial Management Modernization Executive Committee.

(b) The Committee shall be composed of the Secretary of Defense (Comptroller), the Under Secretary of Defense (Acquisition, Technology, and Logistics), the
Subsection (e). Improvement plan in 2002 in accordance with the Secretary's goals and milestone in—

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 complete inventory of all budgetary, accounting, finance, and feeder systems that support the department's business processes to ensure that the plan is submitted to implement the financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, financial, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, the Inspector General of the Air Force.

(b) DUTIES.—The Financial Management Improvement Task Force shall have the following duties:

(1) To establish a business practice transformation strategy of the Department.

(2) To develop a management plan for the implementation of the business practice transformation strategy of the Department.

(3) To supervise and monitor the actions that are being implemented 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; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems 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 develop an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and on the schedule and are contributing to tangible, observable improvements in mission performance.

(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF THE DEPARTMENT 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 complete inventory of all budgetary, accounting, finance, and feeder systems that support the department's business processes to ensure that the plan is submitted to implement the financial management improvement plan in 2002 in accordance with subsection (e).

(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 departmental financial statements before other actions are initiated.

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Secretary of the Air Force, or any of the audit agencies and military departments who are designated by the Secretary.

(4) 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.

(5) 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.

SECT. 105. IMPLIMENTATION 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 whichever of the following purposes the

**166b. Combatant command funding for combating terrorism readiness initiatives**

(2) The annual financial management improvement plan.

(c) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTHER 2002.—In each 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) Measurable annual performance goals for improvement of the financial management architecture for 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 Department officials to ensure the supervision and monitoring of the compliance of each accounting, financial, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture for 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 for the Department, and applicable Federal financial management systems and reporting requirements.

(d) R ELATIONSHIP TO OTHER FUNDING.

(2) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following:

**‘‘§ 2222. Annual financial management improvement plan.‘‘**

(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) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

(1) Procurement and maintenance of physical security equipment.

(2) Improvement of physical security sites.

(3) Under extraordinary circumstances—

(A) physical security management planning;

(B) procurement and support of security forces and security technicians;

(C) security reviews and investigations and vulnerability assessments; and

(D) any other activity relating to physical security.

(G) LIMITATION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(H) TABULAR APPENDIX.—The table of sections at the beginning of chapter 131 of such title is amended by inserting the following:

**‘‘§ 166b. Combatant command funding for combating terrorism readiness initiatives.‘‘**
President determines to be in the national security interests of the United States—
(1) research, development, test and evaluation for ballistic missile defense; and
(2) any other activity of the Department of Defense—
(b) QUARTERLY REPORT.—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.

(b) QUARTERLY REPORT.—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 date on which the Secretary of Defense submits to Congress the report on the results of the Future Force Review conducted under section 192(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398, 114 Stat. 1886), as amended by section 1013 of this Act.
(b) GAO STUDY AND REPORT.—The Comptroller General shall submit 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 numbers of B-2 aircraft, B-52 aircraft, and B-1 aircraft consistent with the requirements of the national security strategy referred to in subsection (a)(1).

SEC. 1013. ADDITIONAL ELEMENT FOR REVISED STRUCTURE REPORT.

SEC. 1021. INFORMATION AND RECOMMENDATIONS ON CONGRESSIONAL REPORTING REQUIREMENTS APPLICABLE TO 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 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 Department of Defense, to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a provision of law that requires the Department of Defense to submit only one report, notification, or study.
(b) SUBMITTAL OF COMPLIANCE.—(1) The Secretary shall submit the list compiled under subsection (a) to Congress not later than 60 days after the date of the enactment of this Act.
(2) In submitting the list, the Secretary shall specify for each provision of law complied in the list—
(A) the date of the enactment of such provision of law and a current citation in law for such provision of law; and
(B) the Secretary’s assessment of the compatibility of any report, notification, or study arising under any provision of law, both for the executive branch and for Congress.

(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 matters:
(A) The policies and procedures relating to how the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the 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 Army National Guard of the United States or the Air National Guard of the United States under the command of the President; and
(II) the Army’s Director of Military Support;
(ii) the various teams in other departments and agencies of the Federal Government that have responsibilities to respond to acts or threats of terrorism;
(iii) 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
(iv) the units and organizations of the reserve components of the Armed Forces that have responsibilities relating to combating terrorism;
(B) Any preparedness plans to combat terrorism that are developed for installations 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 integrated vulnerability assessment teams in the United States and outside the United States.
(D) The missions of the Fort Leonard Wood and other installations for training units, National Guard units, new missions and responsibilities to provide training, and other teams, and individuals in combating terrorism.
(3) The report shall also include the Secretary’s assessment of the number and missions of the Department of Defense teams referred to in paragraph (2)(A)(i).
(c) TIME FOR SUBMITTAL.—The Secretary shall submit the report under this section not later than 180 days after the date of the enactment of this Act.

SEC. 1023. REPEAL 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.

(a) ASSESSMENT DURING DEFENSE QUADRENNA L REVIEW.—Subsection (g) of section 116 of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(e) CJCS Review”;

and

(2) by striking at the end the following new paragraph:

“(2) The Chairman shall include in the assessment submitted under paragraph (1), the Chairman’s assessment of the assignment of functions (or roles and missions) to the armed forces together with any recommendations for changes in assignment that the Chairman considers necessary to achieve the maximum efficiency of the armed forces. In making the assessment, the Chairman should consider (among other matters) the following:

“(A) Unnecessary duplication of effort among the armed forces.

“(B) Changes in technological that can be applied effectively to warfare.”

(b) REPEAL OF REQUIREMENT FOR TRIENNIAL REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—Subsection (a) of such section 113 is amended by striking subsection (b).

(c) CONFORMING AMENDMENT.—Subsection (a) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1653A–36; and 1654A–37) shall be read as including 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–36 and 1654A–37); and

(b) consult with the heads of other appropriate departments and agencies of the Federal Government.

(2) The estimated schedule for the acquisition of the vaccines in accordance with the plan.

(3) A discussion of the options considered for production of the vaccines under subsection (b)(2)(B).

(4) The Secretary’s recommendations for the most appropriate course of action to meet the requirements described in subsection (b)(1), together with the justification for the recommendations and the long-term cost of implementing the recommendations.

SEC. 1026. EXTENSION OF TIMES FOR COMPILATION OF THE UNITED STATES AEROSPACE INDUSTRY TO REPORT AND TO TERM INATE.

(a) SUBMITTAL OF REPORT.—Subsection (d) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1653A–36) shall be read as including—

(1) “Not later than March 1, 2002,” and inserting “June 30”

(b) PRODUCTION AND ACQUISITION OF VACCINES FOR DEFENSE AGAINST BIOLOGICAL WARFARE AGENTS.

(a) GOVERNMENT FACILITY.—(1) Subject to the availability of funds appropriated and authorized to be appropriated for such purposes, the Secretary of Defense may—

(A) design, construct, and operate an in- stallation of Department of Defense facility for the production of vaccines described in subsection (b)(1);

(B) to validate the 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 157 of title 10, United States Code, to enter into contracts to carry out subparagraphs (A) and (C) of paragraph (1).

(b) FACILITY.—(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 provide for the biological warfare agents.

(b) DESCRIPTION.—The plan shall include the following:

(A) An analysis 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 Federal agencies.

(B) An evaluation of the alternative options for the means of production of the vaccines, including—

(i) government 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.

(2) The Secretary shall ensure that the plan is consistent with the requirement for safe and effective vaccines approved by the Food and Drug Administration.

(b) PREPARATION OF PLAN.—In preparing the plan, the Secretary shall—

(A) consider and, as the Secretary determines, include 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–36 and 1654A–37); and

(b) consult with the heads of other appropriate departments and agencies of the Federal Government.

(c) REPORT.—Not later than February 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for the production of vaccines required by subsection (b). The report shall include, at a minimum, the plan and the following matters:

(1) A description of the policies and requirements of the Department of Defense regarding acquisition and use of the vaccines.

(2) The estimated schedule for the acquisition of the vaccines in accordance with the plan.

(3) A discussion of the options considered for production of the vaccines under subsection (b)(2)(B).

(4) The Secretary’s recommendations for the most appropriate course of action to meet the requirements described in subsection (b)(1), together with the justification for the recommendations and the long-term cost of implementing the recommendations.

SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF THE DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT AND OTHER DEPARTMENT OF DEFENSE TRAINING TECHNOLOGIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the networks of the Distributive Training Technology Project, and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(b) PURPOSES.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) PARTICULAR MATTERS.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, the cost of implementing the recommendations.

(2) Whether, and to what extent, the cost of implementing the recommendations.
to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 1510. DEFINITIONS.

Section 1502 (24 U.S.C. 401) is amended—
(1) by striking paragraphs (1), (2), (3), (4), and (5), and inserting the following:

"(1) The term ‘Retirement Home’ includes the establishments established under section 1511, as follows:


(B) The Armed Forces Retirement Home—Gulfport.

(2) The term ‘Local Board’ means a Local Board of Trustees established under section 1516.

(3) The terms ‘Armed Forces Retirement Home Trust Fund’ and ‘Fund’ mean the Armed Forces Retirement Home Trust Fund established under section 1516.

(4) As paragraphs (4), (5), and (6); and

(8) as paragraphs (4), (5), and (6); and

"(f) DEPARTMENT OF DEFENSE SUPPORT.—

The Secretary of Defense may make available from the Department of Defense to the Retirement Home (on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.

"(g) ACCREDITATION.—

The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

"(h) ANNUAL REPORT.—

The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year.

SEC. 1043. REVISION OF AUTHORITY ESTABLISHING ARMED FORCES RETIREMENT HOME.

Section 1511 (24 U.S.C. 411) is amended to read as follows:

"SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENT ESTABLISHMENT.—

The Armed Forces Retirement Home is an independent establishment in the executive branch of the Government of the United States.

(b) PURPOSE.—

The purpose of the Retirement Home is to provide, through the Armed Forces Retirement Home—Washington and 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 and the Armed Forces Retirement Home—Gulfport.

(d) OPERATION.—

(1) The Chief Operating Officer of the Armed Forces Retirement Home is the head of the Retirement Home. The Chief Operating Officer is subject to the authority, direction, and control of the Secretary of Defense.

(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes. The Chief Operating Officer shall be under the authority, direction, and control of the Director of that facility. The Director of each facility of the Retirement Home is subject to the authority, direction, and control of the Chief Operating Officer.

(e) PROPERTY AND FACILITIES.—

(1) The Retirement Home shall include such property and facilities as are acquired by—

(A) the Secretary of Defense, for the purpose of the Retirement Home, property and facilities for inclusions in the Retirement Home.

(B) the Secretary of Defense may acquire, for the purpose of the Retirement Home, property and facilities for inclusion in the Retirement Home.

(3) The Secretary of Defense may dispose of any property of the Retirement Home by sale, lease, or otherwise, that the Secretary determines is excess to the needs of the Retirement Home. The proceeds from such a disposal of property shall be deposited in the Armed Forces Retirement Home Trust Fund.

(4) DEPARTMENT OF DEFENSE SUPPORT.—

The Secretary of Defense may make available from the Department of Defense to the Retirement Home (on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.

(5) ACCREDITATION.—

The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

(6) ANNUAL REPORT.—

The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year.

SEC. 1044. CHIEF OPERATING OFFICER.

(a) ESTABLISHMENT AND AUTHORITY OF POSITION.—

Section 1513 (24 U.S.C. 413) is amended to read as follows:

"SEC. 1513. CHIEF OPERATING OFFICER.

(a) APPOINTMENT.—

(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home. The Secretary of Defense shall make the appointment without regard to the provisions of title 5, United States Code, governing appointments in the civil service.

(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

(b) QUALIFICATIONS.—To qualify for appointment as the Chief Operating Officer, a person shall—

(1) be a continuing care retirement community professional;

(2) have appropriate leadership and management skills; and

(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

(c) RESPONSIBILITIES.—

(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, including the Local Boards of those facilities.

(3) The Chief Operating Officer shall perform the following duties:

(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(C) Periodically examine and audit the financial and other affairs of the Retirement Home.

(D) Establish criteria or bodies that the Chief Operating Officer considers to be necessary.

(4) COMPENSATION.—

(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer without regard to the provisions of title 5, United States Code, governing classification and pay, except that—

(a) the basic pay, including locality pay, of the Chief Operating Officer may not exceed the limitations established in section 5307 of title 5.

(b) In addition to basic pay and any local-
(C) In subsection (b)(2), by striking “Chair- man” and inserting “Chief Operating Offi- cer”;

(D) In subsection (c), by striking “Chair- man of the Retirement Home Board or the Director of an establishment” and inserting “Chief Operating Officer or the Director of a facility”;

(E) In subsection (e)—

(i) by striking “Chairman of the Retire- ment Board or the Director of the establish- ment” in the first sentence and inserting “Chief Operating Officer or the Director of a facility”; and

(ii) by striking “Chairman” in the second sentence and inserting “Chief Operating Offi- cer”;

(2) The percentage shall be the same for each fa- cility.

(3) Notwithstanding the limitations on maximum monthly amount prescribed under sub-section (c) or set forth in paragraph (1)(B), until an independent living resident or an assisted living resident of the Armed Forces Retirement Home—Gulfport occupies a renovated room at that facility, as deter- mined by the Secretary of Defense, the limi- tation on maximum maximum monthly amount app-icable to the resident for months beginning after December 31, 2001, shall be—

(A) in the case of an independent living resident, $1,300;

(B) in the case of an assisted living resident, $1,300.

SEC. 1514. FEES PAID BY RESIDENTS.

SEC. 1515. (1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Op- erating Officer.

(c) COMPOSITION.—(1) The Local Board for a facility shall consist of at least 11 members who (except as otherwise specifically pro- vided) shall be provided by the Secretary of Defense in consultation with each of the Sec- retaries of the military departments con- cerned. At least one member of the Local Board shall be a perspective that is ori- ented toward the Retirement Home overall. The Local Board for a facility shall consist of the following members:

(A) One member who is a service expert in nursing home or retirement home admin- istration and financing from the geo- graphical area of the facility.

(B) One senior noncommissioned officer of the Armed Forces in the geographical area of the facility.

(C) One member who is a service expert in gerontology from the geographical area of the facility.

(D) One representative of the Department of Veterans Affairs.

(E) One member of a Local Board who is a service expert in continuing care retirement community professions.

(F) One representative of the Armed Forces Retirement Home.

(G) One member of the Armed Forces on active duty in a grade above lieutenant colonel.

(H) One member who is a service expert in continuing care retirement community professions.

(I) One member of the Armed Forces who is a service expert in continuing care retirement community professions.

(J) A member appointed as the chairman of the Local Board at the expiration of the term for which the member was originally appointed or designated, as the case may be.

(K) A member appointed by the Secretary of Veterans Affairs, if a Local Board has a perspective that is oriented toward the Retirement Home.

(2) A member appointed by the Secretary of Veterans Affairs, if a Local Board has a perspective that is oriented toward the Retirement Home, shall have a Local Board only for as long as the member is as- signed to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

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 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 pro- vided) shall be provided by the Secretary of Defense in consultation with each of the Sec- retaries of the military departments con- cerned. At least one member of the Local Board shall be a perspective that is ori- ented toward the Retirement Home overall. The Local Board for a facility shall consist of the following members:

(A) One member who is a service expert in nursing home or retirement home admin- istration and financing from the geo- graphical area of the facility.

(B) One senior noncommissioned officer of the Armed Forces in the geographical area of the facility.

(C) One member who is a service expert in gerontology from the geographical area of the facility.

(D) One representative of the Department of Veterans Affairs.

(E) One member of a Local Board who is a service expert in continuing care retirement community professions.

(F) One representative of the Armed Forces Retirement Home.

(G) One member of the Armed Forces on active duty in a grade above lieutenant colonel.

(H) One member who is a service expert in continuing care retirement community professions.

(I) One member of the Armed Forces who is a service expert in continuing care retirement community professions.

(J) A member appointed as the chairman of the Local Board at the expiration of the term for which the member was originally appointed or designated, as the case may be.

(K) A member appointed by the Secretary of Veterans Affairs, if a Local Board has a perspective that is oriented toward the Retirement Home, shall have a Local Board only for as long as the member is as- signed to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

SEC. 1046. RESIDENTS OF RETIREMENT HOME.

(1) A member appointed as the chairman of the Local Board at the expiration of the term for which the member was originally appointed or designated, as the case may be.

(2) A member appointed by the Secretary of Veterans Affairs, if a Local Board has a perspective that is oriented toward the Retirement Home, shall have a Local Board only for as long as the member is as- signed to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

(3) A vacancy in the mem- bership of a Local Board shall be filled in the manner in which the original appointment or designation was made, as the case may be.

(c) E ARLY TERMINATION.—The Secretary of Defense may terminate the appointment of a member of a Local Board before the ex- piration of the member’s term for any reason that the Secretary determines appropriate.

(d) COMPENSATION.—(1) Except as provided in paragraph (2), a member of a Local Board shall—

(A) be provided a stipend consistent with the daily government consultant fee 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 serv- ices for the Local Board, be allowed travel expenses (including per diem in lieu of sub- sistence) at the same rates as an em- ployed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

(2) A member of a Local Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving a member of a Local Board.

SEC. 1047. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.

(1) The Secretary of Defense shall appoin- t a Director and a Deputy Director for each facility of the Retirement Home.

(b) DUTIES.—The Director of a facility shall—

(1) be a member of the Armed Forces serv- ing on active duty in a grade above lieutenant colonel or commander;

(2) have appropriate leadership and man- age-ment skills; and

(3) be required to pursue a course of study to receive certification as a retirement facili- ties director by an appropriate 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—

(A) be a civilian with experience as a con- tinuing care retirement community profes- sor or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander; and

(B) have appropriate leadership and man- age-ment skills.

(2) The Deputy Director of a facility shall—

(A) be appointed without regard to the provisions of title 5, United States Code, govern- ing 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 DEPUTY DIRECTOR.—The Deputy Director shall, under the authority, direction, and control of the Director of the facility, perform such duties as the Director may assign.

(f) REPEAL.—(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 planning and management of retirement homes and in 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.

(g) ANNEXATION OF OPERATIONS OF DIRECTORS.—

(1) The Chief Operating Officer shall evaluate the performance of each of the Directors of the facilities of the Retirement Home each year.

(2) The Chief Operating Officer shall submit to the Secretary of Defense any recommendations regarding a Director that the Chief Operating Officer determines appropriate taking into consideration the annual evaluation.

SEC. 1048. DISPOSITION OF EFFECTS OF DECEASED PERSONS AND UNCLAIMED PROPERTY.

(a) LEGAL REPRESENTATION FOR RETIREMENT HOME.—Subsection (b)(2)(A) of section 1520 (24 U.S.C. 420) is amended by inserting “who is a full-time officer or employee of the United States or a member of the Armed 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 Retirement Home” before “Retirement Home Trust Fund”.

SEC. 1049. TRANSITIONAL PROVISIONS.

Part B is amended by striking sections 1531, 1532, and 1533 and inserting the following:

“SEC. 1531. TEMPORARY CONTINUATION OF ARMED FORCES RETIREMENT HOME BOARD.

‘‘Until the Secretary of Defense appoints the first Chief Operating Officer after the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Armed Forces Retirement Home Board, as constituted on the day before the date of the enactment of that Act, shall continue to serve and shall perform the duties of the Chief Operating Officer under this subchapter.

SEC. 1532. TEMPORARY CONTINUATION OF DIRECTOR OF THE ARMED FORCES RETIREMENT HOME.—WASHINGTON.

The person serving as the Director of the Armed Forces Retirement Home on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve as the Director of that facility until April 2, 2002.

SEC. 1533. TEMPORARY CONTINUATION OF INTERIM DEPUTY DIRECTORS.

‘‘A person serving as the Deputy Director of a facility of the Retirement Home on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve, at the pleasure of the Secretary of Defense, as the Deputy Director until the date on which a Deputy Director is appointed for that facility under section 1517, except that the service in that position may not continue under this section after December 31, 2002.”

SEC. 1050. CONFORMING AND CLERICAL AMENDMENTS AND REPEALS OF OBSOLETE PROVISIONS.

(a) CONFORMING AMENDMENTS.—(1) Section 1513(b) (24 U.S.C. 413(b)), relating to services provided to residents of the Armed Forces Retirement Home, is amended by striking “maintained as a separate establishment” in the second sentence.

(2) The heading for section 1519 (24 U.S.C. 419) is amended—

(A) by inserting “Director” after “Secretary”;

(B) in subsection (a), by strikes “each facility that is maintained as a separate establishment” and inserting “a facility”;

(C) in subsection (b)(2)(A), by striking “maintained as a separate establishment”;

(3) The Director of a facility may exercise the following provisions are repealed:

(1) Section 1512(f) (24 U.S.C. 412(f)), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking “United States Soldiers’ and Airmen’s Home Fund” and inserting “Armed Forces Retirement Home—Washington”;

(B) The heading for such section is amended to read as follows:—

“SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT THE ARMED FORCES RETIREMENT HOME—WASHINGTON.”

(5) Section 1524 (24 U.S.C. 424), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home, is amended by striking “United States Soldiers’ and Airmen’s Home Fund” and inserting “Armed Forces Retirement Home—Washington”;

(6) Section 1517 (24 U.S.C. 417), relating to provisions for the performance of each of the Directors of retirement homes and in the provision of long-term medical care for older persons;

(3) Section 1516 (24 U.S.C. 416), relating to the designated members of the Armed Forces Retirement Home; and

(4) Section 1515 (24 U.S.C. 415), relating to the authority of the Armed Forces Retirement Home Board, is repealed.

(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.

(c) ADDITION OF TABLE OF CONTENTS.—Title XV of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1722) is amended by inserting after the heading for title the following:

‘‘Sec. 1501. Short title.

Sec. 1502. Definitions.

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 and charges.

Sec. 1515. Chief Operating Officer.

Sec. 1516. Local Boards of Trustees.

Sec. 1517. Directors, Deputy Directors, and officers of facilities.

Sec. 1518. Inspection of Retirement Home.

Sec. 1519. Armed Forces Retirement Home Trust Fund.

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 Armed Forces Retirement Home—Washington.

Subtitle E—Other Matters

SEC. 1051. REQUIREMENT TO CONDUCT CERTAIN PREVIOUSLY AUTHORIZED EDUCATIONAL PROGRAMS FOR CHILDREN AND YOUTH.

(a) NATIONAL GUARD CHALLENGE PROGRAM.—Section 509(a) of title 32, United States Code, is amended by striking “The Secretary of Defense may and inserting “The Secretary of Defense shall”.

(b) STARRBASE PROGRAM.—Section 219(b) of title 10, United States Code, is amended by
striking “The Secretary of Defense may” and inserting “The Secretary of Defense shall”.

SEC. 1002. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY 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 if: (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 in violation of subsection (a), 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; or (C) to return the equipment to the Federal Government for demilitarization.

(2) When the demilitarization of significant military equipment is carried out pursuant to subparagraph (A) or (B) of paragraph (1), an officer of the United States designated by the Attorney General shall have the right to confirm, by inspection or other means authorized by the Attorney General, that the equipment has been demilitarized.

(3) If significant military equipment is not demilitarized or returned to the Federal 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 to do so, the Attorney General may request that a court of the United States issue a warrant authorizing the seizure of possession of significant military equipment.

(4) If the person in possession of significant military equipment fails to comply with paragraph (3), the court shall issue a writ of attachment ordering that the person be granted the use of a weapon when the equipment is in the possession of the person.

(5) The Attorney General may require any person in violation of subsection (a), in possession of significant military equipment formerly owned by the Department of Defense: (A) to return the equipment to the person in possession of the equipment; or (B) any person from whom private property is taken for public use under this section receives just compensation for the taking of the property.

(6) The regulations shall, at a minimum: (A) define significant military equipment; and (B) what constitutes demilitarization for each class of significant military equipment.

SEC. 1003. CONVEYANCES OF EQUIPMENT AND RELATED MATERIALS LOANED TO STATE AND LOCAL GOVERNMENTS AS READJUSTED FOR FOLLOW-ON EMERGENCY RESPONSE TO A USE OR THREAT-ENED USE OF A WEAPON OF MASS DESTRUCTION.

Section 1412(e) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2023; 50 U.S.C. 2778) is amended by adding at the end the following new paragraph: “(5) A conveyance of ownership of United States property to a State or local government, without cost and without regard to subsection (f) and title II of the Federal Property and Administrative Services Act of 1949 (or any other provision of law relating to the disposal of property of the United States), if the property is equipment, or equipment and related materials, that is in the possession of the State or local government on the date of enactment of the National Defense Authorization Act for Fiscal Year 2002 pursuant to a loan of the property as assistance under section 1412(e)(2).”

SEC. 1004. AUTHORITY TO PAY GRATUITY TO MEMBERS OF THE ARMED FORCES AND VETERANS OF THE UNITED STATES FOR SLAVE LABOR PERFORMED FOR JAPAN DURING WORLD WAR II.

(a) PAYMENT OF GRATUITY AUTHORIZED.—The Secretary of Veterans Affairs may pay a gratuity to a covered veteran or civilian internee, or a surviving spouse of a covered veteran or civilian internee, in the amount of $30,000.

(b) COVERED VETERAN OR CIVILIAN INTERNEE DEFINED.—In this section, the term “covered veteran or civilian internee” means any individual who: (1) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II; (2) served in the United States combat forces during World War II; (3) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and (4) was required by the Imperial Government of Japan, or one or more Japanese corporations, to perform slave labor during World War II.

(b) 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. 1005. RETENTION OF TRAVEL PROMOTIONAL ITEMS.

(a) IN GENERAL.—To the extent provided in subsection (b), a Federal employee, member of the foreign service, officer 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 travel or transportation services procured by the United States or accepted under section 1333 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

(2) does not apply to travel by any officer, employee, or other official of the Government outside the executive branch.

(d) APPLICABILITY.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act.

SEC. 1006. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows: “(e) APPROPRIATION.—

(1) GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of otherwise available funds, the following amounts, to be appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to pay compensation to those persons described in subsections (a) and (b) who are determined to be eligible beneficiaries under this Act.

(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

(1) in fiscal year 2002, $172,000,000;

(2) in fiscal year 2003, $143,000,000;

(3) in fiscal year 2004, $107,000,000;

(4) in fiscal year 2005, $85,000,000;

(5) in fiscal year 2006, $77,000,000;

(6) in fiscal year 2007, $72,000,000;

(7) in fiscal year 2008, $73,000,000;

(8) in fiscal year 2009, $73,000,000;

(9) in fiscal year 2010, $70,000,000; and

(10) in fiscal year 2011, $70,000,000.”

SEC. 1007. LEASING OF NAVY SHIPS FOR UNIVERSITY USES.

Subsection (g) of section 2667 of title 10, United States Code (section 1061, National Defense Authorization Act for the Fiscal Year 2002, Public Law 107–101; 105–85) is amended by adding a new paragraph at the end as follows:

(5) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-
Federal users under specific conditions with approval by the Secretary of the Navy; 

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result for the safety of the 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 that responsibility for the safety of the ship, its crew, and scientific personnel aboard.

SEC. 1068. SMALL BUSINESS PROCUREMENT COMPETITION.

(a) DEFINITION OF COVERED CONTRACTS.— Section 15(e)(4) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

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

(2) by striking “in the case of a bundled contract” and inserting the following: “in the case of a bundled contract’’;

(3) by inserting the following: “(III) no other concern that is not a small business concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;’’;

(4) by inserting the following: “(ii) no other concern will perform a greater proportion of the work on that contract; and’’;

(5) by inserting the following: “(iii) no other concern that is not a small business concern will perform work on the contract;’’;

(6) by inserting the following: “(A) in subparagraph (A), by striking ‘‘and’’ at the end;’’;

(b) PROPORTIONALLY WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

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

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

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

(C) by adding at the end the following: 

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

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

‘‘(II) no other concern that is not a small business concern will perform work on the contract;’’.


(A) in item (bb), by striking ‘‘and’’ at the end; 

(B) by redesignating item (cc) as item (dd); and 

(C) by inserting after item (bb) the following: 

‘‘(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract;’’.

(3) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(a) DEFINITIONS.—In this subsection—

(A) the term ‘‘Administrator’’ means the Administrator of the Small Business Administration; 

(B) the term ‘‘Federal agency’’ means the same as in section 3 of the Small Business Act (15 U.S.C. 632); 

(C) the term ‘‘Program’’ means the Small Business Procurement Competition Program established under paragraph (3); 

(D) the term ‘‘small business concern’’ has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 644(e)(4));

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the ‘‘Small Business Procurement Competition Program’’.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to 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 engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH 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 is established under this subsection on December 31, 2001, and shall terminate on December 31, 2001, except that, for good cause, the Administrator may extend the Program for an additional year.

(8) REPORT TO CONGRESS.—Not later than 60 days after the Program is established, the Administrator shall submit to Congress a report on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(b) SENSE OF CONGRESS.—It is the sense of the 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 protection from 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 MUSEUM, INDIAN ISLAND.

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Museum, Indian Island; provided, that such sales are not available from any United States commercial source: Provided, That a sale pursuant to this section shall conform to the requirements of section 202 of the 2001 Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from 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. 1071. ASSISTANCE FOR FIREFIGHTERS.

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2228(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) $600,000,000 for fiscal year 2002.

(3) $800,000,000 for fiscal year 2003.

(4) $1,000,000,000 for fiscal year 2004.

SEC. 1072. PLAN TO ENSURE EMBARKATION OF CIVILIAN AND MILITARY PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense. 

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense and for such program under this Act and funds available for such program 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 protection from 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. 1073. PLAN TO ENSURE EMBARKATION OF CIVILIAN AND MILITARY PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) PLAN.—The Secretary of the Navy shall, not later than February 1, 2002, 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 that ensure that guest embarkations are conducted only within the framework of regularly scheduled operations
and that underway operations are not con-
ducted solely to accommodate nonofficial ci-
villian guests,
(2) guidelines for the maximum number of
guests who can be accommodated on the various
classes of Navy vessels,
(3) guidelines and procedures for super-
vising civilians operating or controlling any
equipment on Navy vessels,
(4) guidelines to ensure that proper stand-
ard operating procedures are not hindered by
activities related to hosting civilians,
(5) any other guidelines or procedures the
Secretary shall consider necessary or appro-
priate.
(b) DEFINITION.—For the purposes of this
section, civilian guests are defined as civili-
ans invited to embark on Navy ships solely
for the purpose of furthering public aware-
ness of the Navy and its mission. It does not
include civilians conducting official busi-
ness.
SEC. 1072. MODERNIZING AND ENHANCING MIS-
SILE 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 pro-
vide to the congressional defense committees a
report and the Secretary’s recommenda-
tions on 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 replace-
ment or modernization of UH-1N helicopters
currently flown by the Air Force at the mis-
sile wings;
(2) replacement of the UH-1N helicopters
currently flown by the Air Force with UH-60
Black Hawk helicopters, the UH-1Y, or an-
other platform;
(3) replacement of UH-1N helicopters with
UH-60 helicopters and transition of the mis-
sion to the Army National Guard, as detailed
in a February 2000 Air Force Space Com-
mand/Army National Guard plan, “ARNG
Helicopter Support to Air Force Space Com-
mand”;
(4) replacement of UH-1N helicopters with
UH-60 helicopters or another platform, and
establishment of composite units combining
active duty Air Force and 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) current and future operational require-
ments, and the capabilities of the UH-1N,
the UH-60 or other aircraft to meet them;
(3) cost, with particular attention to op-
portunities to realize efficiencies over the long
run;
(4) implications for personnel training and
retention; and
(5) evaluation of the assumptions used in
the plan specified in subsection (b)(3).
(d) CONSIDERATION.—The Secretary shall
consider carefully the views of the Secretary of
the Army, Secretary of the Air Force,
Commander in Chief of the United States
Strategic Command, and the Chief of the Na-
tional Guard Bureau.
SEC. 1073. SENSE OF THE SENATE THAT THE SEC-
RETARY OF THE TREASURY SHOULD
IMMEDIATELY ISSUE SAVINGS BONDS
DESIGNATED AS “UNITY BONDS”, IN
RESPONSE TO THE TERRORIST ATTACKS AGAINST
THE UNITED STATES ON SEP-
(a) FINDINGS.—The Senate finds that—
(1) a patriotic response to the terrorist
attacks 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 perpetrators of these reprehensible
attacks destroyed brick and mortar build-
ings, but the American spirit and the Amer-
ican people have responded as they have united in defense of their country;
(3) the American people have responded
with incredible acts of heroism, kindness,
and generosity;
(4) the pouring out of volunteers, blood
donors, and contributions of food and money
demonstrates that America will unite to pro-
vide 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 un-
known.
(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”;
and
(B) report quarterly to Congress on the
revenue raised from the sale of Unity Bonds;
and
(2) the proceeds from the sale of Unity
Bonds should be directed to the purposes of
rebuilding America and fighting the war on
terrorism.
SEC. 1074. SENSE OF THE SENATE THAT THE SEC-
RETARY OF THE TREASURY SHOULD
GRANT CIVILIAN PERSONNEL PROTEC-
TIONS, IN RESPONSE TO THE TERRORIST ATTACKS AGAINST
THE UNITED STATES ON SEP-
The Senate finds that—
(1) the American people have responded
with incredible acts of heroism, kindness,
and generosity;
(2) the perpetrators of these reprehensible
attacks destroyed brick and mortar build-
ings, but the American spirit and the Amer-
ican people have responded as they have united in defense of their country;
(3) the American people have responded
with incredible acts of heroism, kindness,
and generosity;
(4) the pouring out of volunteers, blood
donors, and contributions of food and money
demonstrates that America will unite to pro-
vide 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 un-
known.
(a) REPORT AND RECOMMENDATIONS.—With
the submission of the fiscal year 2003 budget
request, the Secretary of Defense shall pro-
vide to the congressional defense committees a
report and the Secretary’s recommenda-
tions on 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 replace-
ment or modernization of UH-1N helicopters
currently flown by the Air Force at the mis-
sile wings;
(2) replacement of the UH-1N helicopters
currently flown by the Air Force with UH-60
Black Hawk helicopters, the UH-1Y, or an-
other platform;
(3) replacement of UH-1N helicopters with
UH-60 helicopters and transition of the mis-
sion to the Army National Guard, as detailed
in a February 2000 Air Force Space Com-
mand/Army National Guard plan, “ARNG
Helicopter Support to Air Force Space Com-
mand”;
(4) replacement of UH-1N helicopters with
UH-60 helicopters or another platform, and
establishment of composite units combining
active duty Air Force and 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) current and future operational require-
ments, and the capabilities of the UH-1N,
the UH-60 or other aircraft to meet them;
(3) cost, with particular attention to op-
portunities to realize efficiencies over the long
run;
(4) implications for personnel training and
retention; and
(5) evaluation of the assumptions used in
the plan specified in subsection (b)(3).
(d) CONSIDERATION.—The Secretary shall
consider carefully the views of the Secretary of
the Army, Secretary of the Air Force,
Commander in Chief of the United States
Strategic Command, and the Chief of the Na-
tional Guard Bureau.

**(Title XI—Department of Defense Civilian Personnel Policy)**

**Subtitle A—Unclassified**

SEC. 1101. AUTHORITY TO INCREASE MAXIMUM
NUMBER OF POSITIONS IN THE DE-
FENSE INTELLIGENCE SENIOR EX-
ECUTIVE SERVICE.

Section 1609(a) of title 10, United States
Code, is amended by striking “517.” and in-
serting the following: “517, except that the
Secretary may increase such maximum num-
ber by one position for each Senior Intel-
ligence Service position in the Central Intel-
ligence Agency that is permanently elimi-
nated by the Director of Central Intelligence
after the date of the enactment of the Na-
tional Defense Authorization Act for Fiscal
Year 2002. In no event may the number of po-
sitions in the Defense Intelligence Senior Executive Service exceed 544.”.

**SEC. 1102. CONTINUED APPLICABILITY OF
cERTAIN CIVIL SERVICE PROTECTIONS
FOR EMPLOYEES INTEGRATED INTO
THE NATIONAL IMAGERY AND MAP-
pING AGENCY FROM THE DEFENSE
MAPPING AGENCY.

Section 1612(b) of title 10, United States
Code, is amended by adding at the end the
following new paragraph:

“(A) If not otherwise applicable to an
employee described in subparagraph (B), sub-
chapters II and IV of chapter 75 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 Map-
ping Agency.

“(B) This paragraph applies to a person
who—

“(i) on September 30, 1996, was employed
as an employee of the Department of Defense in
a position in the Defense Mapping Agency to
which subchapters II and IV of title 5 ap-
plied; and

“(ii) on October 1, 1996, became an em-
ployee of the National Imagery and Mapping
Agency under paragraph (17) of this title.”.

**Subtitle B—Matters Relating to Retirement**

**SEC. 1111. FEDERAL EMPLOYMENT RETIRE-
MENT CREDIT FOR NONAPPROPRIATED
FUND INSTRUMENTALITY SERVICE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1)
Section 8322(b) of title 5, United States
Code, is amended—

(A) by striking “and” at the end of para-
graph (15);

(B) by striking the period at the end of para-
graph (16) and inserting “; and”;

(C) by inserting after paragraph (16) the
following new paragraph:

“(17) service performed by any individual
as an employee of a nonappropriated fund in-
strumentality of the Department of Defense or
the Coast Guard described in section 2105(c) of
this title is not covered by paragraph (16), if
the individual elects (in accordance with regu-
lations prescribed by the Office) at the time of separation from service
to have such service credited under this
paragraph;”.

(2) In the last sentence, by inserting “or
(17)” after “service of the type described
in paragraph (16)”
(E) by inserting after the last sentence the following: “Service credited under paragraph (17) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.”

(2) Section 8334 of such title is amended by adding at the end the following new subsection:

“(o) Notwithstanding subsection (c), no deposit may be made with respect to service credited under section 8332(b)(17) of this title.

(3) Section 8339 of such title is amended by adding at the end the following new subsection:

“(u) The annuity of an employee retiring under this subchapter with service credited under section 8332(b)(17) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed on the basis of service that does not include service credited under section 8332(b)(17) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subchapter.

(c) APPLICABILITY.—The amendments made by this section shall apply only to separations from service as an employee of the United States prior to the date of enactment of this Act.

SEC. 1112. IMPROVED PORTABILITY OF RETIREMENT BENEFITS FOR EMPLOYEES MOVING BETWEEN CIVIL SERVICE EMPLOYMENT AND EMPLOYMENT IN A NONAPPROPRIATED FUND INSTRUMENTALITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8422(q) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “and” at the end of subparagraph (A); (B) by striking subparagraph (B); and (C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C) respectively; and

(2) in paragraph (2)—

(A) by inserting “; and” at the end of subparagraph (A); (B) by redesignating subparagraph (B) as subparagraph (A); (C) by redesignating subparagraph (C) as subparagraph (B); and (D) by inserting “; and” at the end of subparagraph (B).

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 3621 of title 38, United States Code, is amended—

(A) by striking subsection (a)(3) in its entirety and inserting “(3) the Secretary shall not reduce payments based on the amount of other income or benefits payable to the employee. The Secretary shall provide for an age adjustment in such payments to reflect the age and service of the employee at the time of retirement.”; and

(B) by inserting “; and” at the end of subparagraph (A).

(c) Retraining incentive payments to encourage those employees to hire, train, and retain such employees.

(d) Covered Employees.—A retraining incentive payment may be made under subsection (c) with respect to a person who—

(1) has been involuntarily separated from employment by the United States due to—

(A) a reduction in force (within the meaning of chapter 35 of title 5, United States Code); or

(B) a relocation resulting from a transfer of function (within the meaning of section 3503 of title 5, United States Code), reassignment, or change of duty station; or

(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 or any combination of positions in the Department of Defense for a continuous period of at least one year;

(C) was not a reemployed annuitant under subsection III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Federal Government;

(D) was not eligible for an immediate annuity under subsection III of chapter 83 of title 5, United States Code, or chapter II of chapter 84 of such title; and

(E) was not eligible for disability retirement under any of the retirement systems referred to in subparagraphs (A) through (D).

Subtitle C—Other Matters

SEC. 1121. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS AT THE UNITED STATES MILITARY ACADEMY.

Section 1121 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 applicable for the type of duty station prescribed in section 404 of title 37, and to fuel and light for quarters in kind.”.

SEC. 1122. STUDY OF ADEQUACY OF COMPENSATION AND TRAINING INCENTIVE PAY FOR INSTRUCTORS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS’ SCHOOLS.

(a) REQUIREMENT.—The Comptroller General shall carry out a study of the adequacy of the pay and other elements of the compensation for teachers in the defense dependents’ education system established under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.).

(b) METHODS.—In carrying 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 Department’s overseas training programs for pay and personnel practices (20 U.S.C. 901 et seq) or the regulations under that Act is advisable to address any problems identified with respect to the recruitment 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 include the following:

(1) The Comptroller General’s conclusions on the issues considered.

(2) Any recommendations for actions that the Comptroller General considers appropriate.

SEC. 1123. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES INCURRED BY EMPLOYERS OF PERSONS VOLUNTARILY SEPARATED FROM EMPLOYMENT BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—The Secretary of Defense may carry out a pilot program in accordance with this section to facilitate the reemploy-
employment begins, the amount of any retraining incentive paid to the employer 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 employee by that employer bears to one year.

(4) The cost of the training of a former employee of the United States for which a retraining incentive is paid to an employer under this subsection may include any cost incurred by the employer for training that commenced for the former employee after the former employee, while still employed by the Department of Defense, received a notice of the separation from employment by the United States.

(5) Not more than one retraining incentive may be paid with respect to a former employee under this subsection.

(d) EMPLOYER AGREEMENT.—Under the pilot program, the Secretary shall enter into an agreement with an employer outside the Federal Government that provides for the employer—

(1) to employ a person described in subsection (b) for at least one year for a salary or rate of pay that is mutually agreed to by the employer and such person; and

(2) to certify to the Secretary the cost incurred by the employer for any necessary training provided to such person in connection with the employment of the person by that employer.

(e) NECESSARY TRAINING.—For the purposes of this section, the necessity of training provided to a former employee of the Department of Defense shall be determined under regulations prescribed by the Secretary of Defense for the administration of this section.

(f) TERMINATION OF PILOT PROGRAM.—No retraining incentive may be paid under this section for training commenced after September 30, 2005.

SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subtitle (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) Gov't personnel.—Section 5946 of title 5, United States Code, shall not apply with respect to any employee of an agency or department that is determined by the head of the 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 TO THE COMPETITIVE CIVIL SERVICE.

(a) Authority To Exempt.—Chapter 81 of title 10, 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.

‘‘(1) Physician.

‘‘(2) Dentist.

‘‘(3) Podiatrist.

‘‘(4) Optometrist.

‘‘(5) Pharmacist.

‘‘(6) Nurse.

‘‘(7) Physician assistant.

‘‘(8) Audiologist.

‘‘(9) Dentist function dental auxiliary.

‘‘(10) Dental hygienist.

‘‘(c) Preferences in Hiring.—In using the authority provided by this section, the Secretary of Defense may give preference for the hiring of veterans and other persons established in subsection (b) of chapter 35 of title 5.’’.

(b) Technical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.’’.

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.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this title, the terms ‘‘Cooperative Threat Reduction Programs’’ and ‘‘Cooperative Threat Reduction Funds’’ means the funds appropriated pursuant to the authorization of appropriations in section 301 of Cooperative Threat Reduction programs shall be available for obligation in any of the fiscal years.

(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 appropriation of appropriations in section 301 of Cooperative Threat Reduction programs.

(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 of Cooperative Threat Reduction programs shall be available for obligation in any of the fiscal years.

SEC. 1202. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $465,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Ukraine, $51,500,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For weapons of mass destruction infrastructure elimination in Ukraine, $6,024,000. For weapons of mass destruction infrastructure elimination in Kazakhstan, $6,000,000.

(4) For weapons transportation security in Russia, $9,500,000.

(5) For weapons storage security in Russia, $36,000,000.

(6) For implementation of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $11,700,000.

(7) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(8) For chemical weapons destruction in Russia, $50,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,221,000.

(10) For defense and military contacts, $18,650,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraph (a) unless—

(1) an obligation of funds for a purpose for which the funds will be obligated under this Act is made no later than 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated on or before the date that is prescribed to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically authorized under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraph (2), in an amount which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose by the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notice of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate funds for the purposes stated in paragraph (7), (10) or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purpose.

SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.


(1) by inserting ‘‘(a) Limitation.—before ‘No fiscal year’’;

(b) Subsection (a), as so designated, by inserting before the period at the end the following: ‘‘until the Secretary of Defense submits to Congress a certification that there has been completed—’’;

(2) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile; and

(3) demonstration of annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;
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“(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

“(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

“(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksarsk;

“(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.”; and

“(3) by adding at the end the following new subsection:

“(b) DISMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification, with the approval so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.”.

SEC. 1204. MANAGEMENT OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) AUTHORITY OVER MANAGEMENT.—The Secretary of Defense shall have authority, directly over the management of Cooperative Threat Reduction programs and the funds for such programs.

(b) IMPLEMENTING AGENT.—The Threat Reduction Agency shall be the implementing agent of the Department of Defense for the functions of the Department relating to Cooperative Threat Reduction programs.

(c) SPECIFICATION OF FUNDS IN DEPARTMENT OF DEFENSE BUDGET.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for each fiscal year (as submitted with the budget of the President under section 110(a) of title 31, United States Code) shall include amounts, if any, requested for such fiscal year for Cooperative Threat Reduction programs.

SEC. 1205. ADDITIONAL MATTER IN ANNUAL REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1205 of the Fiscal Year 2001 National Defense Authorization Act (as enacted by Public Law 106-398; 114 Stat. 1654A-314) is amended by adding at the end the following new paragraph:

“(A) The Secretary of Defense shall have authority, directly over the management of Cooperative Threat Reduction programs and the funds for such programs.

(b) IMPLEMENTING AGENT.—The Threat Reduction Agency shall be the implementing agent of the Department of Defense for the functions of the Department relating to Cooperative Threat Reduction programs.

(c) SPECIFICATION OF FUNDS IN DEPARTMENT OF DEFENSE BUDGET.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for each fiscal year (as submitted with the budget of the President under section 110(a) of title 31, United States Code) shall include amounts, if any, requested for such fiscal year for Cooperative Threat Reduction programs.

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 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5893a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5893a) is amended by striking “2001” and inserting “2002”.

SEC. 1212. COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH NORTHERN ALLIES AND OTHER COUNTRIES.

(a) ELIGIBILITY FOR PROJECTS.—Foreign countries.—Section 2350a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “119” after “118” after “(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.—(b) by striking “major allies of the United States or NATO organizations” and inserting “countries or organizations referred to in paragraph (2);” and

(3) by adding at the end the following new paragraph:

“(2) The countries and organizations with which the Secretary may enter into a memorandum of understanding (or other formal agreement) under paragraph (1) are as follows:


“(B) A NATO organization.

“(C) A member nation of the North Atlantic Treaty Organization.

“(D) A major non-NATO ally.

“(E) Any other friendly foreign country.;

“(2) in subsection (b), by striking “its major non-NATO allies” and inserting “a country or organization referred to in subsection (a)(2)”;

“(C) in paragraph (2), by striking “the major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);” and

“(D) in paragraph (3), by striking “major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);”;

“(2) in subsection (c), by striking “major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);”;

“(2) in subsection (d), by striking “its major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);”;

“(3) in subsection (e), by striking “its major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);”;

“(4) in subsection (g), by striking “its major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);”;

“(5) the term “eligible country” is defined in section 2350d of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY.—The Secretary of Defense may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide reciprocal access to the United States or NATO organization to other countries 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 foreign country or organization to supply the service.

“(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.

“(b) DELEGATION OF AUTHORITY.—The Deputy Secretary of Defense may delegate to the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, or in the case of the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, the Secretary of the Marine Corps, the authority to enter into a memorandum of understanding (or other formal agreement) with the United States under a memorandum or other agreement entered into under subsection (a) which includes provisions for charging a user of a range or other facility for testing and evaluation services furnished by the officers, employees, or governmental agencies 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 supplying country or international organization to supply the service.

“(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: PROVISIONS FOR CHARGING USERS.

(a) AUTHORITY.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

“§2350L. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations

“(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide reciprocal access to the United States or NATO organization to other countries 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 user country or international organization to supply the service.

“(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.

“(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) that entered into under subsection (a) shall be credited to the appropriated account 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.

“(d) DELEGATION OF AUTHORITY.—The Secretary of Defense may delegate to the Deputy Secretary of Defense or the Secretary of the Navy, the authority to enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization under the memorandum or other agreement entered into under subsection (a) which includes provisions for charging a user of a range or other facility for testing and evaluation services furnished by the officers, employees, or governmental agencies 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 supplying country or international organization to supply the service.

“(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. 1214. COMMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification, with the approval so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.”.

SEC. 1215. REPORT ON ELIGIBLE COUNTRIES.

(a) AUTHORITY.—Chapter 138 of title 10, United States Code, is amended by striking paragraphs (1)(A) and (4)(A) of subsection (g), by striking “major allies of the United States” and inserting “country or organization referred to in subsection (a)(2);” and

(b) CREDIT.—The amounts collected from the user of a range or other facility of the United States under a memorandum or other formal agreement entered into under subsection (a) shall be credited to the appropriated account 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.
range or other facility where the testing and evaluation occurred under the memorandum or other agreement; and

(ii) would not have been incurred if the testing and evaluation had not taken place; and

(b) may include costs of labor, materials, facilities, utilities, equipment, supplies, and any other resources of the range or other facility that are consumed or damaged in connection with—

(i) the conduct of the test and evaluation; or

(ii) the maintenance of the range or other facility for the use of the country or international organization under the memorandum or other agreement.

(2) The term ‘indirect cost’, with respect to testing and evaluation under a memorandum or other agreement entered into under subsection (a)—

(A) means any item of cost that cannot readily be identified directly to a specific unit of work or output; and

(B) may include general and administrative expenses for such activities as supporting base operations, manufacturing, supervision, procurement of office supplies, and utilities that are accumulated costs allocated among several users.

(b) CLERICAL AMENDMENT. —The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘2550. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations.’’.

SEC. 1214. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) R EDESIGNATION OF EXISTING AUTHORITY.—(1) Section 2555 of title 10, United States Code, as added by section 1235 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.

(2) The table of sections at the beginning of chapter 152 of that title is amended by striking the item relating to section 2555, as so redesignated, and inserting the following new item:

‘‘2565. Nuclear test monitoring equipment: furnishing to foreign governments.’’.

(b) CLARIFICATION OF AUTHORITY.—Section 2565 of that title, as so redesignated by subsection (a), is further amended—

(1) in subsection (a)—

(A) by striking ‘‘CONVoy OR’’ in the section heading and inserting ‘‘TRANSFER TITLE TO OR OTHERWISE’’;

(B) in paragraph (i) by striking ‘‘CONVoy’’ and inserting ‘‘transfer title’’; 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.’’; and

(2) in subsection (b)—

(A) by striking ‘‘conveyed or otherwise provided’’ and inserting ‘‘provided to a foreign government’’;

(B) by inserting ‘‘and’’ at the end of paragraph (1);

(C) by striking ‘‘; and’’ at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1215. PARTICIPATION OF GOVERNMENT CONTRACTORS IN CHEMICAL WEAPONS INSPECTIONS AT UNITED STATES GOVERNMENT FACILITIES UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) Authorization.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 7623(b)(2)) is amended by inserting after ‘‘designation of employee of 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 led by an employee of the Federal Government)’’.

(b) CREDENTIALS.—Section 304(c) of such Act (22 U.S.C. 7624(c)) is amended by striking ‘‘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. 2321) as follows:

(1) Poland.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9);

(2) Turkey.—To the Government of Turkey, the KNOX class frigates CAPITANOLO (FF 1093), THOMAS C. HART (FF 1092), DONALD E. BEARY (FF 1085), McCANDLISH (FFG 15), REASONER (FF 1084), and BOWEN (FF 1079).

(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 (which is the Taiwan instrumentality designated pursuant to section 108(a) of the Taiwan Relations Act), the Kidd class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(2) Turkey.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL B. ROBERTS (FFG 131).

(c) ADDITIONAL CONGRESSIONAL NOTIFICATION NOT REQUIRED.—Except as provided in subsection (d), the following provisions do not apply with respect to transfers authorized by this section:


(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2001 (as enacted by Public Law 106–429; 114 Stat. 1900A–30) and any similar successor provision.

(3) Section 302 of the Foreign Operations Appropriation Act, 2002 (P.L. 107–117; 115 Stat. 358) and any similar successor provision.

(4) Section 303(b) of the Foreign Operations Appropriation Act, 2003 (P.L. 108–7; 117 Stat. 266) and any similar successor provision.

(d) Grants Not Counted in Annual Total of 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. 2321) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (c) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(e) Costs Not Counted 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 any other provision of title 22 or the Foreign Assistance Act of 1961 (22 U.S.C. 2321(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(f) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President may, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred has such repair or refurbishment work performed in a United States shipyard before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) Expiration of Authority.—The authority to transfer a vessel 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(a)) is amended by adding at the end the following new subsection:

‘‘(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support agreement composed of members of the United States Armed Forces.

‘‘(2) Notwithstanding subsection (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.’’.

SEC. 1218. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

‘‘(a) The President may, by payment of compensation, either in cash or in kind, hire or employ any individual to perform any service, other than services at a residence or place of business, for the Department of State, the Central Intelligence Agency, or the Agency for International Development, to the extent that such action enhances or supports the national security interests of the United States.’’.

SEC. 1219. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that—

(1) the efforts of the President to increase defense burdensharing by allied and friendly bilateral and multilateral security arrangements made by the United States and its allies should be supported;

(2) host nations support agreements with those nations in which United States military personnel are assigned to permanent duty should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–330) and any similar successor provision.

SEC. 1220. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE TRANSFERRED TO CERTAIN FOREIGN COUNTRIES.

Section 603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking ‘‘for full use as an or’’.

TITLE XIII—CONTINGENT AUTORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS CONTINGENT ON ALLOCATION OF NEW BUDGET AUTHORITY.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, any amounts authorized to be appropriated under title I, sections 201, 301, and 302,
and division B are authorized to be appropriated in accordance with those provisions without reduction under section 1302 only if—

(1) the Chairman of the Committee on the Budget of the Senate—

(A) determines, for the purposes of section 217(b) of the Concurrent Resolution on the Budget for Fiscal Year 2002, that the appropriation of all of the amounts specified in section 1302 would not, when taken together with all other previously enacted legislation (except for legislation enacted pursuant to section 211 of such concurrent resolution) reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by the concurrent resolution; and

(B) increases the allocation of new budget authority for defense spending in accordance with section 217(a) of the Concurrent Resolution on the Budget for Fiscal Year 2002; or

(2) the Senate—

(A) by a vote of at least three-fifths of the Members of the Senate duly chosen and sworn, waives the point of order under section 302(f) of the Congressional Budget and Impoundment Control Act of 1974 with respect to an appropriation bill or resolution that provides new budget authority for the National Defense major functional category (050) in excess of the amount specified for the defense category in section 203(c)(1)(A) of the Concurrent Resolution on the Budget for Fiscal Year 2002; and

(B) approves the appropriation bill or resolution.

(b) FULL OR PARTIAL AUTHORIZATION.—(1) If the total 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 subsection (a) by at least $18,448,601,000 over the amount of the new budget authority allocated for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, the reductions under section 1302 shall not be made.

(2) 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 for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, the reductions under 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 subsection (a), the total amounts authorized to be appropriated for fiscal year 2002 by the provisions of this Act are reduced as follows:

(1) For the total amount authorized to be appropriated for procurement by subtitle 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 $3,033,434,000.

(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”.

TITILE 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>Amnion Army Depot</td>
<td>$1,140,000</td>
</tr>
<tr>
<td></td>
<td>Fort Rucker</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td></td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$23,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gillem</td>
<td>$34,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gordon</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$39,800,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Public Works Center, Pearl Harbor</td>
<td>$11,800,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Pahakuina Training Facility</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Nevada Army Air Field</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Rock Island Arsenal</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Knox</td>
<td>$11,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Polk</td>
<td>$21,200,000</td>
</tr>
<tr>
<td></td>
<td>Aberdeen Proving Ground</td>
<td>$58,300,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Meade</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Fort Leonard Wood</td>
<td>$7,450,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Fort Bragg</td>
<td>$21,300,000</td>
</tr>
<tr>
<td>New York</td>
<td>Sunny Point Military Ocean Terminal</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Sill</td>
<td>$40,100,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$86,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Sam Houston</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$35,850,000</td>
</tr>
<tr>
<td></td>
<td>Fort Custer</td>
<td>$34,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$23,800,000</td>
</tr>
<tr>
<td></td>
<td>Sunny Point Military Ocean Terminal</td>
<td>$11,300,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$1,279,350,000</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>Area Support Group, Bamberg</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Area Support Group, Darmstadt</td>
<td>$13,500,000</td>
</tr>
<tr>
<td></td>
<td>Baumholder</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Hanau</td>
<td>$7,200,000</td>
</tr>
</tbody>
</table>

October 17, 2001

CONGRESSIONAL RECORD—HOUSE

H7003
and in the amounts set forth in the following table:

2807 of title 10, United States Code, $18,000,000.

projects authorized by section 2805 of title 10, $243,743,000.

side the United States authorized by section $3,068,303,000, as follows:

family housing functions of the Department

construction, land acquisition, and military

ning after September 30, 2001, for military

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS,

family housing units in an amount not to ex-

pursuant to the authorization of appropria-

Secretary of the Army may carry out archi-

Korea ... ................................... 76 Units .............................. $13,600,000

Texas ... ................................... 76 Units .............................. $12,800,000

Korea ... ................................... 32 Units .............................. $12,000,000

Unspecified Worldwide ... .................................................................... $4,000,000

Kwajalein ... ............................................................................... $11,000,000

Using amounts

—

ARMY.

—

D) For support of military family housing

of the Military Construction Authorization

the Cadet Development Center, United States Military

New York, authorized in section 2101(a) of the

(10) For the construction of a Barracks

(5) $102,000,000 (the balance of the amount

(2) $52,000,000 (the balance of the amount

(14) For the construction of a Barracks

(4) $36,000,000 (the balance of the amount

(1) For military construction projects ins-

in section 2805 of title 10, United States Code, $18,000,000.

—

(3) For military construction projects at

unspecified worldwide locations authorized

(4) For unspecified minor construction

(2) For military construction projects out-

the United States authorized by section

(1) For military construction projects ins-

the United States authorized by section

(2) $23,000,000.

(12) For the construction of the Battle

(4) $57,000,000.

(7) For the Homeowners Assistance Pro-

(6) For the construction of the Cadet

(12) For the construction of a Barracks

(11) For construction of a Basic Combat

(3) $41,000,000 (the balance of the amount

(4) $36,000,000 (the balance of the amount

(5) 100 units

(6) 100 units

(13) $23,000,000.

(9) For the construction of a Barracks

(8) For the construction of the Cadet De-

(11) $23,000,000.

(10) $11,000,000.

(11) $23,000,000.

(12) $23,000,000.

(13) $23,000,000.

(14) $23,000,000.

(15) Total: $243,743,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location

Installation or location

Amount

Total:

$243,743,000

Army: Family Housing

State or county

Installation or location

Purpose

Amount


(14) For the construction of a Barracks Complex—Longstreet Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–388), $13,000,000.

(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–388), $13,000,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $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 $3,068,303,000, 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.

(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);

(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);

(4) $36,000,000 (the balance of the amount authorized under section 2101(a) for Basic Combat Training Complex (Phase I) at Fort Jackson, South Carolina);

(5) $102,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—17th & B Street (Phase I) at Fort Lewis, Washington); and

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Still, Oklahoma).
(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, 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.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the FY 2000 Amendments Act, as enacted by Public Law 106–398) is amended—

<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>$22,570,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$75,225,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Camp Pendleton</td>
<td>$4,470,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Air Station, Kaneo</td>
<td>$24,920,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Key West</td>
<td>$6,600,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$10,650,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Wilder</td>
<td>$2,140,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk</td>
<td>$16,420,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Air Station, Great Lakes</td>
<td>$82,260,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Naval Air Station, Kittery-Pottstown</td>
<td>$14,620,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Station, El Centro</td>
<td>$9,810,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Station, Fallon</td>
<td>$6,910,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Air Station, Norfolk</td>
<td>$6,910,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Air Station, Newport</td>
<td>$15,270,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Naval Air Station, Beaufort</td>
<td>$9,180,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Naval Air Station, Kingsville</td>
<td>$19,370,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Air Station, Quantico</td>
<td>$3,790,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Air Station, Whidbey Island</td>
<td>$7,370,000</td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility, Bangor</td>
<td>$3,800,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$996,610,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations 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, Larissa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Support Activity, Shoma Island</td>
<td>$3,210,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity, Seoda Bay</td>
<td>$3,210,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Guam</td>
<td>$9,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Guam</td>
<td>$14,800,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Nantucket</td>
<td>$2,830,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Signature</td>
<td>$3,650,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota</td>
<td>$2,240,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$47,240,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<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, Larissa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Support Activity, Shoma Island</td>
<td>$3,210,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity, Seoda Bay</td>
<td>$3,210,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Guam</td>
<td>$9,300,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Guam</td>
<td>$14,800,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Nantucket</td>
<td>$2,830,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Signature</td>
<td>$3,650,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota</td>
<td>$2,240,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$47,240,000</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 $13,949,000.

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 outside the United States authorized by section 2207 of title 10, United States Code, $10,546,000.

(2) For architectural and engineering services and construction design under section 2307 of title 10, United States Code, $35,752,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $312,591,000.

(4) For support of military family housing functions: (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $312,591,000.

(b) 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 by section 2204(a)(5)(A), 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.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.


(1) in the item relating to Naval Shipyard, Bremerton, Washington, by striking “$100,740,000” in the amount column and inserting “$98,740,000”;

(2) in the item relating to Naval Station, Bremerton, Washington, by striking “$11,930,000” in the amount column and inserting “$11,230,000”;

(3) by striking the amount identified as the total in the amount column and inserting “$799,497,000”.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2000 PROJECT.

(a) Modification.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–395; 114 Stat. 820) is amended—

(1) in the item relating to Camp Smith, Hawaii, by striking “$300,000” in the amount column and inserting “$380,000”;

(2) by striking the amount identified as the total in the amount column and inserting “$73,180,000”.

TITLE XXXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property for new 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>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td></td>
<td>$34,400,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td></td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td></td>
<td>$17,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Little Rock Air Force Base</td>
<td></td>
<td>$18,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td></td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Schriever Air Force Base</td>
<td></td>
<td>$19,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>United States Air Force Academy</td>
<td></td>
<td>$25,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Cape Canaveral Air Force Station</td>
<td></td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Eglin Air Force Base</td>
<td></td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Hancock Field</td>
<td></td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>MacDill Air Force Base</td>
<td></td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Robins Air Force Base</td>
<td></td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Moody Air Force Base</td>
<td></td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Westover Air Force Base</td>
<td></td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td></td>
<td>$19,420,000</td>
</tr>
</tbody>
</table>
in the amount, set forth in the following table:

The Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and 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:

### SEC. 2302. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

#### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$42,900,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Spangdahlem Air Base</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Andersen Air Base</td>
<td>$10,150,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Oman</td>
<td>Osan Air Base</td>
<td>$101,142,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Misrath Island</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Eskesir</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Lakenheath</td>
<td>$11,300,000</td>
</tr>
<tr>
<td></td>
<td>Mildenhall</td>
<td>$22,400,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$257,392,000</td>
</tr>
</tbody>
</table>

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6), 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, AIR FORCE.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,587,791,000, 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), $257,392,000.
(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.
(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $395,412,000.
(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $590,412,000.
(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), $869,121,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations 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 2301 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 (b) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, which represents savings resulting from adjustments to foreign currency exchange rates and the elimination of military family housing construction and military family housing support outside the United States.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.
The table in section 230(a) of the Military Construction 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. 1654A–400) is amended in the item relating to Mountain Home Air Force Base, Idaho, by striking "191 Units" in the purpose column and inserting "46 Units":

**TITLE XXIV—DEFENSE AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<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>$12,750,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$8,457,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot Tracy, California</td>
<td>$10,500,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania</td>
<td>$19,300,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base, Alaska</td>
<td>$8,400,000</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>$33,662,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lewis, Washington</td>
<td>$6,300,000</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>$12,000,000</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>$8,400,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton, California</td>
<td>$15,300,000</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, Tyndall Air Force Base, Florida</td>
<td>$26,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Camp Lejeune, North Carolina</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base, Texas</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon Reservation, Virginia</td>
<td>$27,400,000</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$191,500,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<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>Geilenkirchen, Germany</td>
<td>$1,733,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$3,112,000</td>
</tr>
<tr>
<td></td>
<td>Kaiserslautern, Germany</td>
<td>$1,419,000</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>$2,844,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force, Feltwell, United Kingdom</td>
<td>$22,132,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh Annex, Germany</td>
<td>$2,558,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden Air Base, Germany</td>
<td>$2,378,000</td>
</tr>
<tr>
<td></td>
<td>Wuerzburg, Germany</td>
<td>$2,684,000</td>
</tr>
<tr>
<td></td>
<td>Andersen Air Force Base, Guam</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Casey, Korea</td>
<td>$5,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota, Spain</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base, Japan</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>Comalapa 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>$10,800,000</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$140,142,000</strong></td>
<td></td>
</tr>
</tbody>
</table>
SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2605(a)(6), the Secretary of Defense may carry out energy conservation projects for the facilities of the Department of Defense (other than the military departments), in the total amount of $35,600,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $931,308,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2306 of title 10, United States Code, $24,892,000.

(4) For contingency construction projects of the Secretary of Defense under section 2304 of title 10, United States Code, $31,090,000.

(5) For architectural and engineering services and construction design under section 2307 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 Improvement Fund established by section 2886(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, $66,500,000.

(13) For construction of the Ammunition Demilitarization Facility Blue Grass, Kentucky, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2406 of this Act, $3,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations 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 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) and (8) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $1,700,000, 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.

SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) CANCELLATION OF PROJECTS AT CAMP PENDLETON, CALIFORNIA.—(1) The table in section 2404(b) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835) is amended—

(1) by striking the item relating to Marine Corps Base, Camp Pendleton, California, under the heading TRICARE Management Activity; and

(2) by striking the amount identified as the total in the amount column and inserting $222,756,000.

(b) Of the amount authorized to be appropriated by section 2404(a) of this Act, $14,150,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2404(a) of the Military Construction Authorization Act for Fiscal Years 1999 and 1991 (division B of Public Law 101–189).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION.—The table in section 2405(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835) is amended—

(1) by striking $195,600,000 and inserting "$231,230,000"; and

(2) by striking the item relating to Naval Air Station, Whidbey Island, Washington, and inserting—

(1) by striking $115,000,000 and inserting "$139,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$111,950,000".

(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 "$139,000,000"; and

(2) in paragraph (3) by striking "$194,000,000" and inserting "$231,230,000".

(c) MODIFICATION OF CONSTRUCTION AUTHORIZATION ACT.—The table in section 2405(c) of the Military Construction Authorization Act for Fiscal Year 2000 for purposes authorized in section 2405(a) of that Act relating to Naval Air Station, Whidbey Island, Washington, is amended by inserting "$186,350,000" in the amount column and inserting "$223,950,000"; and

(d) By striking the amount identified as the total in the amount column and inserting "$727,616,000".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) MODIFICATION.—The table in section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–261; 112 Stat. 2193) is amended by striking—

(1) the amount preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(2) in paragraph (3), by striking "$85,065,000" and inserting "$30,095,000".

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 2406(c) of that Act is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(B) in paragraph (3), by striking "$85,065,000" and inserting "$30,095,000".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2407(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193) is amended by striking—

(1) the amount preceding paragraph (1), by striking "$139,000,000" and inserting "$155,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$155,000,000".

(b) CONFORMING AMENDMENT.—Section 2407(b)(3) of that Act (112 Stat. 2196) is amended by striking "$139,000,000" and inserting "$155,000,000".

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1998 PROJECT.


(1) the amount preceding paragraph (1), by striking "$186,350,000" and inserting "$223,950,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$727,616,000".
TITLE XYV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of contributions to the North Atlantic Treaty Organization as a result of contributions to the North Atlantic Treaty Organization that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 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, $365,240,000; and
   B. For the Army Reserve, $111,404,000.

2. For the Department of the Air Force—
   A. For the Air National Guard of the United States, $327,232,000; and
   B. For the Air Force Reserve, $53,732,000.

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 as provided 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 year 2003, and for construction purposes 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: $28,277,900,000 and
   B. For the Army Reserve: $3,340,400,000.

2. For the Department of the Air Force—
   A. For the Air National Guard of the United States: $20,072,000,000; and
   B. For the Air Force Reserve: $5,373,200,000.

SEC. 2701. EXTENSION AND FUNDING OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>Replace Family Housing (55 units)</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>Replace Family Housing (46 units)</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>Replace Family Housing (37 units)</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>Replace Family Housing (40 units)</td>
</tr>
</tbody>
</table>

Army National Guard: Extension of 1999 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>Westfield</td>
<td>Army Aviation Support Facility</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Spartanburg</td>
<td>Readiness Center</td>
</tr>
</tbody>
</table>

Army: Extension of 1998 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>Family Housing Construction (56 units)</td>
</tr>
</tbody>
</table>

Navy: Extension of 1998 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Complex, San Diego</td>
<td>Replace Family Housing Construction (94 units)</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station, Miramar</td>
<td>Family Housing Construction (116 units)</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Naval Complex, New Orleans</td>
<td>Replace Family Housing Construction (120 units)</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christi</td>
<td>Family Housing Construction (222 units)</td>
</tr>
</tbody>
</table>
SEC. 2704. EFFECTIVE DATE.
Title XXXVI, XXXVII, XXIV, XXV, and XXVI shall take effect on the later of—
(1) October 1, 2001; or
(2) the date of the enactment of this Act.
TITLE XXVII—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 OF SECRETARY CONCERNED.—Subsection (b)(1) of section 2005 of title 10, United States Code, amended by striking "$500,000" and inserting "$750,000";
(b) PROJECTS USING AMOUNTS FOR OPERATION AND MAINTENANCE.—Subsection (c)(1) of that section is amended—
(1) by redesignating paragraph (A), by striking "$1,000,000" and inserting "$1,500,000"; and
(2) in paragraph (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 2853 of title 10, United States Code, is amended to read as follows:
"(d) By redesignating subsections (c) and (d), respectively; and
SEC. 2802A. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FAMILY HOUSING CONSTRUCTION PROJECTS AS MILITARY CONSTRUCTION PROJECTIONS
(1) 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 is reasonably anticipated at the time the project was approved originally by Congress.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 199 of title 10 is amended by striking the item relating to section 2861.
SEC. 2804. AUTHORITY AVAILABLE FOR LEASE OF PROPERTY AND FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING
(a) LEASE AUTHORITY AVAILABLE.—Section 2670 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 AUTHORITY AVAILABLE.—(1) The Secretary concerning may use any authority or combination of authorities available under section 2677 of this title in leasing property or facilities under this section to the extent such property or facilities, as the case may be, are described by subsection (a)(1) of that section.
"(2) The limitation in subsection (b)(1) of section 2667 of this title shall not apply with respect to a lease of property or facilities under this section.
(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 redesignating 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 "McKinney-Vento Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act".
SEC. 2805. FUNDS FOR HOUSING ALLOWANCES OF MEMBERS ASSIGNED TO MILITARY FAMILY HOUSING UNITS
(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 family housing units.
(1) 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 is reasonably anticipated at the time the project was approved originally by Congress.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by inserting after the item relating to section 2883 the following new item:
"§2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units.
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
(a) DETERMINATION OF ADVISABILITY OF ACQUISITION.—For purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations, the Secretary shall include as the “Pilot Efficient Facilities Initiative” (in this section referred to as the “Initiative”)—
(1) the Secretary may 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 notification 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.
(b) DETERMINATION OF ADVISABILITY OF ACQUISITION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not 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 2888(a) 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, repair, replace, upgrade, repair, and expand the utility system.
SEC. 2807. REPORT.
(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a report containing a description of actions taken to carry out the provisions of this title. The report shall include a description of—
(1) each proposed lease of real or personal property located at the installation;
(2) each proposed disposal of real or personal property located at the installation; and
(3) each proposed leaseback of real or personal property leased or disposed of at the installation.
(b) DURATION.—The Secretary shall submit the report required by this section not later than 180 days after the date of enactment of this Act. The Secretary shall, in the implementation of this section, conduct a survey of Federal Government agencies to determine the amount and type of property subject to Federal Government lease and leaseback agreements, including performance 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 effectiveness and reduce the cost of providing quality installation support at the installation.
(B) With respect to each proposed action described in subsection (a), the Secretary shall:
(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, if specific authority for the waiver of such statute or regulation is provided in an Act.
(C) A description of the steps taken by the Secretary to consult with employees at the facility, and communities in the vicinity of the facility, regarding the Initiative at the installation.
(D) Measurable criteria for the evaluation of the effects of the actions to be taken pursuant to the Initiative at the installation.
(4) To the extent provided in advance in authorization Acts and appropriations Acts, amounts in the Fund shall be available to the Secretary for purposes of carrying out the Initiative only if specific authority for the waiver of such statutes or regulations is provided in an Act that is enacted after the date of the enactment of this Act.
(5) To the extent provided in advance in authorization Acts and appropriations Acts, amounts in the Fund shall be available to the Secretary for purposes of carrying out the Initiative only if specific authority for the waiver of such statutes or regulations is provided in an Act that is enacted after the date of the enactment of this Act.
(e) TERMINATION.—The authority under the Initiative shall terminate four years after the date of the enactment of this Act.
(f) REPORT.—(1) The Secretary shall submit to the committees of Congress referred to in subsection (b)(2) a report on the Initiative. The report shall include a description of the actions undertaken under the Initiative and include such other information, including recommendations, relating to the Initiative as the Secretary considers appropriate in light of the Initiative.
SEC. 2813. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS
(a) AUTHORITY TO CARRY OUT PROGRAM.—Subject to the provisions of this section, the Secretary of the Army may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts. The purpose of the demonstration program is to determine whether or not such requirements or reductions in the long-term facility maintenance costs of the military departments.
(b) CONTRACTS.—(1) The demonstration program shall include contracts entered into or after the date of the enactment of this Act.
(2) Not more than three contracts entered into in any year may contain requirements referred to in subsection (a) for the purpose of the demonstration program.
(c) EFFECTIVE DURATION.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program for any year shall end on the date that the Secretary terminates the demonstration program for any year.
(d) REPORT.—(1) Not later than January 31, 2003, and annually thereafter until the year following the cessation of effectiveness of any requirements referred to in subsection (a) in contracts under the demonstration program, the Secretary shall submit to the congressional defense committees a report on the demonstration program.
(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.
(3) The final report under this subsection shall include, in addition to the matters required under paragraph (2), an evaluation of 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.
(e) EXPANSION.—The authority under subsection (a) shall be expanded on or before September 30, 2006, if the Secretary determines that the demonstration program shall expire on September 30, 2006.
(f) FUNDING.—(1) Amounts authorized to be appropriated for the purpose of the demonstration program shall be available for the demonstration program under this section in such fiscal year as the Secretary considers appropriate.
SEC. 2821. LAND CONVEYANCE, ENGINEER PROVINCIAL PARKWAY, VIRGINIA
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Commonwealth of Virginia (in this section referred to as the “Commonwealth”) all right, title, and interest of the United States in and to property described in subparagraph (A) of section (a)(1) of title 10, United States Code.
(b) DESCRIPTION OF PROPERTY.—(1) The property described in subparagraph (A) of section (a)(1) shall be determined by a survey conducted by the Secretary of the Army.
(2) The exact acreage and legal description of the property shall be available for the demonstration program.
(3) The Secretary shall credit the accepted funds to the appropriation or appropriations that are appropriate for paying the costs of the replacement of Building 5089.
(4) The Secretary shall retain liability for environmental response, compensation, and liability under section (a)(1) 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 (1).
(c) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary shall retain liability for environmental response, compensation, and liability under section (a)(1) of title 10, United States Code, for the survey and cleanup activities to be carried out.
SEC. 2822. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE
Section 2822(a) of the 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. 1454-1460)) is amended by inserting “any or” before “all right”.
transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 71 acres, as generally depicted as Tract 15–116 on the map entitled “Acadia National Park Schoodic Point Area,” numbered 123/60,418 and dated May 2001. The map shall be filed and made available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) Transfer of Personal Property.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(d) Maintenance of Property Pending Conveyance.—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards prescribed in section 181.47, paragraph (1), 41 Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

(2) The requirement in paragraph (1) shall not be construed as authorizing to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or environmental codes to repair any damage to such improvements and infrastructure through an Act of God.

(e) Interior 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 parcels to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) Alternatively any other provision of law, the Secretary shall credit any amount received for a lease of real property under paragraph (1) to the appropriation or account providing funds for the operation and maintenance of such property or for the procurement of utility services for such property.

(g) Reimbursement for Environmental and Other Assessments.—(1) The Secretary may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessments carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary determines necessary to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, PETROLEUM TERMINAL, SERVING FORMER LORING AIR FORCE BASE, BANGOR AIR NATIONAL GUARD BASE, MAINE.

(a) Conveyance Authorized.—The Secretary of the Navy may convey, without consideration, to the State of Maine, which served former Loring Air Force Base, Bangor Air National Guard Base, Maine, which served former Loring Air Force Base and Bangor Air National Guard Base, Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon, that comprise approximately one acre of the real property conveyed under that subsection, for the purpose of economic redevelopment.

(b) Conditions of Conveyance.—(1) The Secretary may not make the conveyance under subsection (a) unless the Secretary determines the parcel of real property conveyed under that subsection, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory (also known as Building 14). The Secretary may 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) Consideration.—(1) As consideration for the conveyance under subsection (a), the Authority shall lease to the Air Force approximately one acre of real property conveyed under that subsection, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory.

(2) The lease under subsection (a) shall include the parking lot, outbuildings, and other improvements associated with the Aerospace Fuels Laboratory and such easements of ingress and egress to the real property, including easements for utility access routes, as are required to support operations of the Aerospace Fuels Laboratory.

(3) As part of the lease of real property under this subsection, the Authority shall maintain around the leased parcel for the term of the lease a zone, not less than 75 feet in depth, free of improvements or encumbrances.

(4) The lease under this subsection shall be without cost to the United States.

(5) The term of the lease under this subsection shall not exceed 25 years. If operations at the Aerospace Fuels Laboratory cease before the expiration of the term of the lease otherwise provided for under this subsection, the lease shall be terminated, except as provided upon the cessation of such operations.

(d) Conveyance Contingent on Expiration of Lease of Fuel Tanks.—The Secretary may not make the conveyance under subsection (a) until the expiration of the lease referred to in paragraph (2) of that subsection.

(e) Environmental Remediation.—The Secretary shall cause any environmental remediation required by law with respect to the property to be conveyed under that subsection.

(f) Reimbursement for Costs of Conveyance.—The Authority shall reimburse the Secretary for the costs incurred by the Secretary for the conveyance under subsection (a). The Secretary may make the conveyance by deed to the Authority for the costs incurred by the Secretary for the conveyance under subsection (a).
study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a).
(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.
(3) Paragraph (1) of title 10 United States Code, shall apply to any amount received by the Secretary under this subsection.
(4) DISPOSITION 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 Department of Defense.
(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease under subsection (c), 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, to the Toledo-Lucas County Port Authority (as such term is defined in section 13044 of title 42, United States Code, as in effect on June 14, 2000) all right, title, and interest of the United States in and to a parcel of real property, including 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.
(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located on or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be excess to the Navy.
(b) CONSERVATION AND URBANIZATION.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease such real 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 condition that:
(1) the real and personal property concerned in their condition at the time of the conveyance or lease, as the case may be; and
(2) 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, after conveyance into a lease under subsection (b) for real property, personal property, or both, sublease such property for a purpose set forth in subsection (c)(2) if the Secretary of the Navy, in the Port Authority's separate sublease of such property for that purpose.
(2) The Port Authority may, following the conveyance of real property under subsection (a), lease or reconvert such real property, and any personal property conveyed with such real property under that subsection, 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 (b) as determined by the Secretary.
(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.
(f) 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.
(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 everything after “and inserting ‘22 acres’;”
(2) by redesignating subsections (b), (c), and (d) as subsections (b), (c), and (f), respectively;
(3) by inserting after subsection (a) the following new subsection (b):—
(“b) THE PORT AUTHORITY.—At the same time that the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Port Authority administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Naval Air Station, including the Naval 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 received 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 of Commerce shall administer the property under the jurisdiction of the Secretary of Commerce, and shall construct a new facility on the property for such research purposes as the Administrator considers appropriate.

SEC. 2828. MODIFICATION OF LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) MODIFICATION.—The Secretary of the Army may convey, without consideration, to the City of Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park, a parcel of real property that is to be conveyed to the City under subsection (a). The purpose of the conveyance shall be to facilitate the Remount Road Project.
(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 28 acres at Charleston Air Force Base, South Carolina, and comprising the Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.
(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a)(2) and the portion of the property referred to in subsection (b) shall be conveyed to the City under subsection (b).
(2) In determining under paragraph (1) the portions of property to be conveyed under this subsection, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.
(d) LIMITATION ON CONVEYANCES.—The Secretary may not convey any part of the property under subsection (a) or (b) if the property to be conveyed under subsection (a) shall be owned by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the State.
(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the “Memorial Park”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the establishment of the Fort Des Moines Memorial Park and Education Center.
(b) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.
(c) DETERMINATION OF DURATION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being...
used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance referred to in subsection (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the costs.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(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.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance referred to in 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) CONVEYANCE 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 in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 312th Missile Group and Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated “November-35”.

(B) The parcel consisting of the missile alert facility and launch control center designated “Oscar-O”.

(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 Secretary of State and 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 historic site referred to in subsection (a).

SEC. 2831. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin.

The Secretary may, at the election of the Secretary, of the facility referred to in subsection (a), into an agreement with the Military Heritage Foundation, a not-for-profit organization.

The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and other activities.

The facility is to be used to support such education and training as the Secretary considers appropriate.

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 Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion of the facility determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto,

(2) 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.

(3) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary of Defense.

(d) USE OF CERTAIN GIFTS.—(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, hold, administer, invest, and spend any gift, devise, or bequest of not less than $500,000 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 the use of any gift, devise, or bequest under this subsection.

(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 READINESS CENTER, OXFORD, MISSISSIPPI.

(a) DESIGNATION.—The Oxford 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 READINESS 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 DERUSSY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentalty 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 instrumentalty 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 by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

TREATMENT OF REVENUE FROM FUND PARKING GARAGES AT FORT DERUSSY.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center–Hawaii (Hale Koa Hotel).

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 the damage caused to the Pentagon Reser-
 Fees by the terrorist attack that oc-
 posed on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Sec-
 ratory contributions to Congress under sub-
 cession (a) in the Pentagon Reser-
 blication Mainte-
 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 CARRY OUT BASE CLOS-
 E ROUND IN 2003.

(a) COMMISSION MATTERS.—

(i) APPOINTMENT.—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. 2687 note) is amended—

(A) in subparagraph (A), by inserting clause (iii) and inserting (ii);

(B) in subparagraph (C), by striking “and” and inserting “and”, and

(C) in paragraph (2)(A), by inserting “and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003,” after “March 1, 1995,”; and

(D) in paragraph (2)(B), by inserting “or for 2003 in clause (iv)” for “and 1995 in clause (ii) of such subparagraph first session of the 108th Congress.

(ii) FUNDING.—(1) The Secretary shall transfer to Congress under this part in 2003, or for 2003 in clause (iv) of such subparagraph:

(A) in paragraph (2)(A), by inserting “and by no later than July 7 in the case of recommendations in 2003,” after “February 15, 1991,”; and

(B) in paragraph (2)(B), by inserting “or for 2003 in clause (iv)” for “and 1995 in clause (ii) of such subparagraph:

(iii) APPLICATION.—(1) FUNDING. The fiscal year in which appropria-
 tions for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(2) REPORT.—(1) No later than 60 days after the end of each fiscal year in which the Secretary carries out such projects and military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justifica-
tion transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, the Secretary shall transmit to the congres-
sional defense committees of the amount authorized by law for a minor mili-
tary construction project for which the Secretary shall carry out activities under this part pursuant to approval of such projects and funding levels that were included in the justifica-
tion transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, the Secretary shall transmit to the congres-
sional defense committees of the amount authorized by law for a minor mili-
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tion transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, the Secretary shall transmit to the congres-
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tion transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, the Secretary shall transmit to the congres-
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tary construction project for which the Secretary shall carry out activities under this part pursuant to approval of such projects and funding levels that were included in the justifica-
tion transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, the Secretary shall transmit to the congres-
sional defense committees of the amount authorized by law for a minor mili-

“(d) Disposal or Transfer of Commissary Stores and Property Purchased With Nonappropriated Funds.—(1) If any real property or facility acquired, constructed, or improved on that installation shall be deposited or disposed of in connection with the closure or realignment of a military installation, and the date of approval of closure or realignment of which is before September 30, 2003, a portion of the proceeds from the transfer or other disposal of property operated by the Department of Defense or the Secretary of Defense shall be deposited into the Account under subsection (a), funds appropriated to the Department of Defense under heading of section 2906 of that Act are amended—(B) in subparagraph (A), by inserting ‘‘nonappropriated fund instruments’’ where such term is used with respect to such installations; and

(ii) in the first sentence, by striking ‘‘in whole or in part’’ and inserting ‘‘commissary stores; and’’.

(2) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—(A) commissary stores; and

(B) real facilities for nonappropriated fund instrumentalities.

(‘‘d’’) in this subsection, the terms ‘‘commissary store funds’’, ‘‘nonappropriated funds’’, ‘‘nonappropriated fund instrumentalities’’ shall have the meaning given those terms in section 2906(d)(4).

(e) Account Exclusive Source of Funds for Environmental Restoration Projects.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under heading of section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(a) Conforming Amendments.—Section 2906 of that Act is amended—(1) in subsection (a)(2)(C), by inserting ‘‘the date of approval of closure or realignment of which is before September 30, 2003’’ after ‘‘under this part’’; and

(2) in subsection (b)(1), by inserting ‘‘with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003’’ after ‘‘section 2905’’;

(b) Conforming Amendments.—Section 2906 of that Act is amended—(1) in subsection (a)(2)(C), by inserting ‘‘the date of approval of closure or realignment of which is before September 30, 2003’’ after ‘‘under this part’’; and

(2) in subsection (b)(1), by inserting ‘‘with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003’’ after ‘‘section 2905’’;

(c) Conformity Amendment.—(1) in subsection (a)(2), by inserting ‘‘under this part’’ after ‘‘before September 30, 1993’’; and

(2) in subsection (e), by striking ‘‘Except for’’ and inserting ‘‘Except as provided in section 2906(a) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906(a) except for’’.

(c) Clerical Amendment.—The heading of section 2906 of that Act is amended to read—‘‘SEC. 2906. BASE CLOSURE ACCOUNT 1990.’’

SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORIZATIONS.

(a) Increase in Members of Commission.—Section 2902(c)(1)(A) 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 ‘‘eight members’’ and inserting ‘‘nine members’’.

(b) Section 2906(b)(2) of that Act is amended by adding at the end the following new paragraph:

(‘‘b’’) in clause (ii), by striking ‘‘and’’ at the end; and

(2) in subparagraph (b) (A), by inserting ‘‘Before’’ after ‘‘and’’; and

(c) by adding at the end the following new clause:

‘‘(b) SELECTION CRITERIA.—Section 2903(b) of that Act is amended—

(1) in subsection (a), by striking ‘‘before’’ after ‘‘with’’; and

(2) by inserting after paragraph (2), as so redesignated, the following new paragraph (3):

(‘‘C’’) the recommendations made by the Secretary, the Commission may make the determination required by subparagraph (B); and

(‘‘ii’’) by striking ‘‘at a public hearing, or a closed hearing if classified information is involved, on the proposed change.’’; and

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

‘‘(E) in the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, 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.’’.

(e) Privatization in Place.—Section 2906(a) of that Act is amended—

(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

‘‘(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in any 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 implementation of the recommendation.’’.

(f) Implementation.—

(1) Payment for Certain Services for Property Leased Back by the United States.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (ii), by striking ‘‘A’’ lease and inserting ‘‘Except as provided in clause (v), a lease’’; and

(2) by adding at the end the following new clause (v):

‘‘(v) 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 common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

(II) the rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property under the same conditions for such services and maintenance.

(III) for purposes of this clause, facility service and common area maintenance provided for the leased property shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to property owners, or firefighting or security-guard functions.’’.

(2) Transfers in connection with payment of Environmental Remediation.—Section 2906(d) of that Act is amended—

(1) in the first sentence, by striking para- (A) in paragraph (1)(B), by adding at the end the following new sentence: ‘‘The real
property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after the date of enactment of such property or facilities, unless otherwise specified by the Secretary with respect to the property or facilities’; 

(B) by striking paragraph (2)(A), by striking ‘‘to be paid by the recipient of such property or facilities an amount equal to the lesser of—’’; 

(C) by striking paragraph (6); 

(D) by redesigning paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and 

(E) by inserting after paragraph (2) the following new paragraph (3): 

‘‘(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 in the vicinity of the installation under subpart G 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 at such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

‘‘(3) By inserting after paragraph (2) the following: ‘‘, except in the case of releases or threatened releases not disclosed pursuant to paragraph (c).’’

SEC. 2904. TECHNICAL AND CLARIFYING AMENDMENTS. 

(a) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(i)(I) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-152; 10 U.S.C. 2901 note) is amended by striking ‘‘that date’’ and inserting ‘‘the date of publication of such determination in a newspaper of general circulation in the community in the vicinity of the installation under subparagraph (B)(1)(IV).’’

(b) OTHER CLARIFYING AMENDMENTS.—(1) That Act is further amended by inserting ‘‘, after each place it appears in the following provisions:—

(A) Section 2905(b)(3). 

(B) Section 2905(b)(5). 

(C) Section 2905(b)(7)(B)(1). 

(D) Section 2905(b)(7)(N). 

(E) Section 2905(b)(10). 

(2) That Act is further amended by inserting ‘‘, or realigned’’ after ‘‘closed’’ each place it appears in the following provisions:—

(A) Section 2905(b)(7)(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(b). 

(G) Section 2910(10). 

(H) Section 2910(b)(10). 

(I) Section 2910(b)(3) of that Act is amended by inserting ‘‘, or realigned or to be realigned,’’ after ‘‘closed’’ or ‘‘closed’’.

Subtitle B—Modifications of 1988 Base Closure and Realignment Act

SEC. 2911. PAYMENT FOR CERTAIN SERVICES PROVIDED BY REDEVELOPMENT AUTHORITY FOR PROPERTY LEASED UNDER TITLE XXXI OF THE NATIONAL SECURITY AUTHORIZATION AND APPROPRIATIONS ACT FOR FISCAL YEAR 2011.

Section 2904(b)(4) of the Defense Authorization Amendments and Base Closure and Re-alignment Act of (Public Law 100–526; 10 U.S.C. 2867 note) is amended by adding at the end the following new subparagraph (J):

‘‘(J) The Secretary may transfer real property or facilities pursuant to this subparagraph for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the realignment authority agrees to lease, direct, or provide services and common area maintenance to the recipient of such property or facilities an amount equal to the lesser of—

(I) Except as provided in clause (v), a lease under clause (i) may not require rental payments by the United States.

(II) A lease under clause (i) shall include a provision specifying that if the Department of Defense or another Federal agency after realignment shall apply to transfer a property transferred to a development authority, for facility services and common area maintenance, the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of

(A) the term of the lease, the remainder of the term of the lease before the expiration of the term of the lease, the remainder of the lease term may not exceed the term of the lease, the remainder of the lease term may not exceed the term of the lease, the remainder of the lease term provided for renewal or extension of the term by the department or agency concerned.

(III) If 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 at such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(c) SEC. 2905. MODIFICATIONS TO TITLE XXXI OF THE NATIONAL SECURITY AUTHORIZATION AND APPROPRIATIONS ACT FOR FISCAL YEAR 2011.

Title XXXI of the National Security Authorization and Appropriations Act for Fiscal Year 2011 (Public Law 109–364; 105 Stat. 2028; incorporated as follows:—

(1) Except as provided in clause (v), a lease under clause (i) may not require rental payments by the United States.

(2) A lease under clause (i) shall include a provision specifying that if the Department of Defense or another Federal agency after realignment shall apply to transfer a property transferred to a development authority, for facility services and common area maintenance, the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of

(A) the term of the lease, the remainder of the term of the lease before the expiration of the term of the lease, the remainder of the lease term provided for renewal or extension of the term by the department or agency concerned.

(III) If 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 at such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(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).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(1).

(D) Section 2905(b)(7)(N).

(E) Section 2905(b)(10).

(F) Section 2910(b).

(G) Section 2910(10).

(H) Section 2910(b)(10).

(I) Section 2910(b)(3) of that Act is amended by inserting ‘‘, or realigned or to be realigned,’’ after ‘‘closed’’ or ‘‘closed’’.
River Plant, Alken, South Carolina, $13,700,000.
Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $6,850,000.
Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.
Project 97–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.
(B) For secure transportation asset, $77,575,000, to be allocated for operation and maintenance.
(C) For safeguards and security, and safe operations, Richland, Washington, $44,881,000, to be allocated as follows:
(i) For operation and maintenance, $439,281,000.
(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000.
(iii) For Russian fissile materials disposition, $65,000,000.
(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows:
(A) For advancement of nuclear and related technologies, $665,445,000, to be allocated as follows:
(i) For operation and maintenance, $632,245,000.
(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:
Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.
Project 90–N–102, expanded core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.
(B) For program direction, $22,600,000.
(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, and for program direction for the National Nuclear Security Administration (other than for naval reactors), $380,366,000.
(b) Authorization.—The amount authorized to be appropriated by subsection (a) is hereby reduced by $70,985,000, as follows:
(1) The amount authorized to be appropriated by paragraph (1) of that subsection is hereby reduced by $26,985,000, which is to be derived from offsets and use of prior year balances.
(2) The amount authorized to be appropriated by paragraph (2) of that subsection is hereby reduced by $42,000,000, which is to be derived from use of prior year balances.
SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.
(a) IN GENERAL.—Subject to subsection (b), funds hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $6,047,617,000, to be allocated as follows:
(1) PROJECTS.—For closure projects carried out in accordance with section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 110 Stat. 2096; 42 U.S.C. 7277n), $1,080,538,000.
(2) SITE/CORE COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $343,196,000, to be allocated as follows:
(A) For operation and maintenance, $919,030,000.
(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,166,000, to be allocated as follows:
Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $500,000,000.
Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $3,473,000.
Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.
(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $216,000,000.
(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $130,000,000.
(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.
(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $206,621,000.
(8) 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 carrying out programs necessary for national security in the amount of $512,185,000, to be allocated as follows:
(1) INTELLIGENCE.—For intelligence, $49,844,000.
(2) COUNTERINTELLIGENCE.—For counterintelligence, $46,388,000.
(3) SECURITY AND EMERGENCY OPERATIONS.—
For security and emergency operations, $247,565,000, to be allocated as follows: 
(A) For nuclear safeguards and security, $22,189,000.
(B) For security investigations, $14,927,000.
(C) For program direction, $81,450,000.
(D) INDEPENDENT OVERSIGHT AND PERFORMANCE
AID.—Independent oversight and performance assurance, $14,904,000.
(E) ENVIRONMENT, SAFETY, AND HEALTH.—
For the Office of Environment, Safety, and 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.
(C) 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.
(F) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,895,000.
(G) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.
(H) ADJUSTMENTS.—
(1) SECURITY AND EMERGENCY OPERATIONS, FOR PROGRAM DIRECTION.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $712,000 to reflect the 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 hereby 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 in 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 96-PVT-2, spent nuclear fuel dry storage, Idaho, $49,352,000.
Project 98-PVT-5, environmental management/waste management disposal, Oak Ridge, Tennessee, $28,980,000.
Project 97-PVT-3, large-scale mixed waste treatment program, 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 E—Reprogramming 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), in the event of a period of 30 days has elapsed after the date on which such committee receives the report, the Secretary may not use any amounts appropriated pursuant to this title for programs or projects:
(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 report on the project proposed to be taken and the facts and circumstances relied upon in support of the proposed action.
(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

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 facilities and infrastructure funds, authorized by this title.
(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees an annual report on the actions and the circumstances for which funds are transferred under this section.
(c) LIMITATIONS.—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) REQUIREMENTS OF THE SECRETARY OF ENERGY.—
(1) Subject to paragraph (2), the Secretary of Energy may carry out any conceptual design for a construction project if the estimated cost of the project does not exceed $5,000,000, or if the estimated cost of the project exceeds $5,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.
(2) If the estimated cost of completing a conceptual design for a construction project exceeds $5,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

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, and for plant projects, under sections 3101, 3102, 3103, and 3104 to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to meet the needs of national defense, or to protect property.
SEC. 3121. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3122. AVAILABILITY OF FUNDS.

(a) In general.—Except as provided in subsection (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.—(1) Amounts appropriated for program direction authorized under appropriation Act A remain available after the date of enactment to the extent provided in this paragraph.

(2) Amounts appropriated for program direction authorized under appropriation Act A may be transferred without notice to the extent 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.

SEC. 3123. 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 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 Programs, shall notify Congress of funds transferred pursuant to subsection (a) not later than 30 days after such transfer occurs.

SEC. 3124. LIMITATION 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 approves the priority assigned to each such project.

SEC. 3125. LIMITATION ON AVAILABILITY OF FUNDS FOR WEAPONS ACTIVITIES FUNDS.

(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 Programs, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

SEC. 3126. LIMITATION ON AVAILABILITY OF FUNDS FOR OTHER DEFENSE ACTIVITIES FUNDS.

(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 approves the priority assigned to each such project.

(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 during the preceding fiscal year.

(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 cost-sharing:

(i) The purpose of such project.

(ii) The budget for such project.

(iii) The life-cycle costs of such project.

(iv) Participation in such project.

(v) The commercial viability of such project.

(vi) The number of jobs in Russia created or to be created by such project.

(vii) Of 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 in Russia.

(C) 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 supporting such certification.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) NUCLEAR CITIES INITIATIVE.—The term ‘‘Nuclear Cities Initiative’’ means the initiative arising pursuant to the March 1998 discussion between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

(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) Sarov (Arzamas-16 and Avangard).
(B) Zarechny (Penza-19).
(C) Novouralsk (Sverdlovsk-44).
(D) Lesnoy (Sverdlovsk-46).
(E) Ozersk (Chelyabinsk-65).
(F) Snezhinsk (Chelyabinsk-70).
(G) Kudankulam (Tatarstan-36).
(H) Seversk (Tomsk-7).
(I) Zelenogorsk (Krasnoyarsk-26).
(J) Zelenogradsk (Krasnoyarsk-45).

SEC. 3134. COMMISSIONER 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 for the Department of Energy in accordance with the feasibility study regarding such operations office complex conducted 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 plan submitted under section 5133(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–399; 113 Stat. 1268; 50 U.S.C. 2401) is amended by striking subsection (c).

SEC. 3134. CLARIFICATION OF STATUS WITHIN THE DEPARTMENT OF ENERGY OF ADMINISTRATION AND CONTRACTOR PERSONNEL OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.


SEC. 3141. MODIFICATION OF AUTHORITY OF DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) IN GENERAL.—The Deputy Administrator for Nuclear Security is further amended by adding at the end the following new subparagraph:

(3) The Deputy Administrator for Nuclear Security, who is designated in accordance with chapter 303 of this title, shall perform such duties, and exercise such powers, relating to the functions of the Administration as the Administrator may prescribe.”.

(b) PAY LEVEL.—Section 5314 of title 5, United States Code, is amended in the item relating to the Deputy Administrators of the National Nuclear Security Administration—

(1) by striking ‘‘(3)’’ and inserting ‘‘(4)’’; and

(2) by striking ‘‘(2)’’ and inserting ‘‘(3)’’.

SEC. 3142. RESPONSIBILITY FOR NUCLEAR SECURITY OPERATIONS OFFICE COMPLEX.

The Deputy Administrator for Nuclear Security is further amended by adding at the end the following new subsection:

(2) Uranium employees.—Section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

"(e) SURVIVORS.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive a benefit or a portion of benefit compensation under this section in lieu of the covered uranium employee as follows:

(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

(1) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employees under this section; and

(2) each child shall receive an equal share of the remaining one-half of the amount of compensation provided for the covered uranium employee under this section.

(B) If such living survivors of the covered uranium employee include a spouse and one or more children, but do not both a spouse and one or more children—

(i) the spouse shall receive the amount of compensation provided for the covered uranium employees under this section; or

(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

(2) In prescribing the term "child", in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, stepchild who lived with the covered employee in a parent-child relationship.

(13) INAPPLICABILITY TO SERVICES PROVIDED AFTER AWARD OF COMPENSATION.—This section shall not apply with respect to any representation or assistance provided to an individual awarding the amounts authorized in subsection B after the award of compensation."

(3) STUDY OF RESIDUAL CONTAMINATION OF FACILITIES.—(1) The National Institute for Occupational Safety and Health shall, after consulting with the Department of Energy and the Department of Labor, conduct a study on the following:

(A) Whether significant contamination remained in any atomic weapons employment facility or facility of a beryllium vendor after such facility discontinued activities relating to the production of nuclear weapons.

(B) If so, whether or not such contamination could have caused or substantially contributed to the cancer of a covered uranium employee with cancer or a covered beryllium illness, as the case may be.

(2) Not later than one year after the date of the 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 made as of the date of the report on the study under paragraph (1).

(3) Amounts for the study under paragraph (1) shall be derived from amounts authorized to be appropriated by section 361(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A–488).

(4) In this subsection

(A) the term "atomic weapons employment facility", "beryllium vendor", "covered employee with cancer", and "covered beryllium illness" have the meanings given those terms in section 3621 of that Act (114 Stat. 1654A–498);

(B) the term "contamination" means the presence of any material exposure to which could cause or substantially contribute to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

SEC. 3152. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM

(a) INTERIM COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, an interim counterintelligence polygraph program consisting of polygraph examinations of Department of Energy employees, contractor employees, at Department facilities. The purpose of the program under the interim program is to minimize the potential for release or disclosure of classified data, materials, or information while the program remains in effect.

(2) The Secretary may exclude from examinations under the interim program any position or class of positions (as determined by the Secretary) where the individual or individuals in such position or class of positions—

(A) either

(1) operate in a controlled environment that does not afford an opportunity, through action solely by the individual or individuals, to influence damage to or on national security;

(2) have duties, functions, or responsibilities which are compartmentalized or super"

vised such that the individual or individuals do not impose risks to national security; or

(B) do not have routine access to top secret Restricted Data.

(3) The plan shall ensure that individuals who undergo examinations under the interim program receive protections as provided under part 40 of title 49, Code of Federal Regulations.

(4) To ensure that administration of the interim program does not disrupt safe operations of a facility, the plan shall ensure notification of the management of the facility at least 14 days in advance of any examination scheduled under the interim program for any employees of the facility.

(5) The plan shall include procedures under the interim program for—

(A) identifying and addressing so-called "false positive" results of polygraph examinations; and

(B) ensuring that adverse personnel actions not be taken against an individual solely by reason of the individual's physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternate means the veracity of the individual's response to the question.

(b) NEW COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—(1) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall prescribe a proposed rule containing requirements for a new counterintelligence program for the Department of Energy. The purpose of the program is to maximize the potential for release or disclosure of classified data, materials, or information.

(2) The Secretary shall prescribe the proposed rule under this subsection in accordance with the provisions of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(3) In prescribing the proposed rule under this subsection, the Secretary may include in requirements under the proposed rule any requirement or exclusion provided for in paragraphs (2) through (5) of subsection (a).

(4) In prescribing the proposed rule under this subsection, the Secretary shall take into account the results of the Polygraph Review.

(c) REPEAL OF EXISTING POLYGRAPH PROGRAM.—Section 3154 of the Department of Energy Employees Compensation Act of 1999 (title XXXI of Public Law 106–65, 42 U.S.C. 7338b) is repealed.

(d) STIPULATION OF PERSONNEL SECURITY PROGRAM.—(1) Not later than December 31, 2002, the Administrator for Nuclear Security shall submit to Congress a report setting forth the recommendations of the Administrator for any legislative action that the Administrator considers appropriate in order to enhance the personnel security program of the Department of Energy.

(2) Any recommendations under paragraph (1) shall take into account the results of the Polygraph Review.

(e) DEFINITIONS.—In this section

(1) the term "Polygraph Review" means the review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

(2) the term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014y).
National Ignition Facility baseline documentation as established in the August 2000 revised Statute (2052); and for Fiscal Year 1998 (Public Law 102-484; 42 U.S.C. 7274h(c)) is amended by adding at the end the following new paragraph:

“(7) The Department of Energy should provide assistance to promote the diversification of the economies of communities in the vicinity of the establishment of Energy defense nuclear facility that may, as determined by the Secretary, be affected by a future restructuring of its work force under the 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 of the Energy Security shall notify the congressional defense committees when the National Ignition Facility (NIF), Lawrence Livermore National Laboratory, California, achieves each Level one milestone and Level two milestone for the National Ignition Facility.

(b) Report on Failure of Timely Achievement.—Within 90 days after the date on which the National Ignition Facility fails to achieve a Level one milestone or Level two milestone for 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—

(i) a statement of the failure of the National Ignition Facility to achieve the milestone concerned in a timely manner;

(ii) an explanation for the failure; and

(iii) either—

(A) an estimate when the milestone will be achieved; or

(B) if the milestone will not be achieved—

(1) a statement that the milestone will not be achieved;

(ii) an explanation why the milestone will not be achieved; and

(iii) the implications for the overall scope, schedule, and budget of the National Ignition Facility project of not achieving the milestone;

(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 baseline document.

SEC. 3157. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALamos NATIONAL LABORATORY, NEW MEXICO.

(a) Support in Fiscal Year 2002.—From 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 of Energy for Fiscal Year 2002 to the Los Alamos National Laboratory Foundation, a not-for-profit educational foundation chartered in accordance with section 3156(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 105-45; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) Support through Fiscal Year 2004.—Subject to the availability of appropriations for such purposes, the Secretary may—

(1) make a payment for each of fiscal years 2003 and 2004 in amount to the payment referred to in subsection (a)(1) for fiscal year 2002; and

(2) provide for a contract extension through fiscal year 2004 similar to the contract extension referred to in subsection (a)(2), including the use of an amount for that purpose in each of fiscal years 2003 and 2004 similar to the amount available for that purpose in fiscal year 2002 under that subsection.

(c) Use of Funds.—The Los Alamos National Laboratory Foundation shall—

(1) use funds provided the Foundation under this section as a contribution to the endowment fund of the Foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinities of Los Alamos National Laboratory.

(d) Report.—Not later than March 1, 2003, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting the following for the reporting:

(1) An evaluation of the requirements for continued payments after fiscal year 2004 into the endowment fund of the Los Alamos Laboratory Foundation to enable the Foundation to meet the goals of the Department of Energy’s educational programs and retention of staff at the Los Alamos National Laboratory.

(2) Recommendations regarding the advisability of continued payments after fiscal year 2004 for the Los Alamos Public Schools.

SEC. 3158. IMPROVEMENTS TO CORRAL HOLLOW ROAD, LIVERMORE, CALIFORNIA.

Of the amounts authorized to be appropriated by 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.—(1) Title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:—

“ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK.

“(663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attacks.

“(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 year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.

“(c) CEREMONIAL AMENDMENT.—The table of sections at the beginning of this 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 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 mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally 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 and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrops.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site be managed so as to preserve the value of the site for open space and wildlife habitat.

(5) 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 of the site;

(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 15, 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—
(A) 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
(B) any—
(i) petroleum (including any petroleum product or derivative);
(ii) explosive substance;
(iii) military munition or weapon; or
(iv) nuclear or radioactive material;
not otherwise regulated as a hazardous substance.
(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 paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.
(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 300 feet from 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 be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—
(A) the transportation project is constructed in a manner that reduces adverse effects on the management of Rocky Flats as a wildlife refuge; and
(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver 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 administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and
(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.
(B) REQUIRED ELEMENTS.—
(I) IN GENERAL.—Subject to clause (i), 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 537(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 to the Secretary of the Interior;
(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior;
(V) subject to subsection (c), in consultation with the Secretary of the Interior, the Secretary shall finalize and implement the memorandum of understanding.
(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—
(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—
(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide 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.

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 of 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) LYNDAS RANCH.—

The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the boundary depicted on the map referred to in section 3173(d), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 171 et seq.).
(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall in any manner annex any land in the refuge by any unit of local government.
(ii) 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 provide such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) CONSIDERATION.—

(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 carried out by 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.); and

(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) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in paragraph (1) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subtitle affects any response action or other actions, including hazardous substance or pollutant or contaminant, on or before the date of the transfer under subsection (a).

(d) LIABILITY.—

(1) IN GENERAL.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) RESPONSE ACTIONS.—

(A) IN GENERAL.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section; and

(ii) located at the time of transfer or

(II) subsequently discovered; and

(III) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) RECOVERY FROM THIRD PARTY.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) carry out necessary operation and maintenance of response actions.

(2) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other agency or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(b) EFFECT ON RFCA.—Nothing in this subtitle amends or alters any provision of the RFCA.

(c) RESERVED.

(d) LIABILITY.

(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 Secretary, acting through the Public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels.

(2) NO EFFECT ON BIA REFUGE.

(I) IN GENERAL.—The Secretary shall conduct clean up of the Rocky Flats national wildlife refuge to be known as the ‘‘Rocky Flats National Wildlife Refuge’’

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish the Rocky Flats National Wildlife Refuge as a wildlife refuge to be known as the Rocky Flats National Wildlife Refuge.

(b) MANAGEMENT.—The Secretary shall manage the refuge in accordance with the applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d et seq.), and the purposes specified in that Act.

(c) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation or other liability with respect to Rocky Flats under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems; and

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife; and

(C) preserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreational and educational interpretation are the priority public uses of the refuge.

SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in developing the comprehensive conservation plan in accordance with section 3(e) of the National Wildlife Refuge System Management Act of 1966 (16 U.S.C. 668d), the Secretary of the Interior, in consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of the Defense, the Administrator of the Environmental Protection Agency, and other interested governmental agencies, shall develop a comprehensive conservation plan for the Rocky Flats National Wildlife Refuge.

(b) CONTENTS.—In addition to the purposes specified in subsection (a), the comprehensive conservation plan shall include the opportunity for direct involvement of entities not members of the Coalition as designated by the Secretary, including the Rocky Flats Citizens’ Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DILUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive conservation planning process, the comprehensive conservation plan shall be developed in consultation with the Secretary, the Secretary of the Army, the Secretary of the Interior, the Secretary of the Defense, the Administrator of the Environmental Protection Agency, and other interested governmental agencies.

SEC. 3179. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the ‘‘Rocky Flats National Wildlife Refuge’’.

(b) COMPOSITION.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives an annual report on the comprehensive conservation plan prepared under this section; and

(2) a report that—
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(A) outlines the public involvement in the comprehensive planning process; and
(B) to the extent that any input or rec-

ommendation from the comprehensive plan-
ing process is not accepted, the reasons why the input or recommenda-
tion is not accepted.

SEC. 3179. PROPERTY RIGHTS.
(a) IN GENERAL.—Except as provided in subsection (b), nothing in this subtitle affects any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to—
(1) any mineral right;
(2) any water right or reserved easement; and
(3) any facility or right-of-way for a util-
yty.
(b) ACCESS.—Except as provided in sub-
section (c), nothing in this subtitle affects any right of an owner of a property right de-
scribed in subsection (a) to access the own-
er's property.
(c) REASONABLE CONDITIONS.—
(1) IN GENERAL.—The Secretary or the Sec-
retary of the Interior may impose such rea-
sonable conditions on access to property rights described in subsection (a) as are ap-
propriate for the cleanup and closure of Rocky Flats and for the management of the
refuge.
(2) NO EFFECT ON APPLICABLE LAW.—Noth-
ing in this section shall preclude the re-
fuge from imposing conditions as are autho-
rized by law relating to the use, develop-
ment, and management of property rights de-
scribed in subsection (a).
(d) PURCHASE OF MINERAL RIGHTS.
(A) by the Secretary of Energy, before the
enactment of this Act, that is necessary to
enforce the latest effectiveness of the Cold War and the impact that the contribu-
tion has had on the nearby communities and the State of Colorado, the Secretary may es-

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establish a Rocky Flats Museum.
(b) LOCATION.—The Rocky Flats Museum shall be located in the city of Arvada, Colo-
orado, unless, after consultation under sub-
section (c), the Secretary determines other-
wise.
(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 develop-
ment 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 appro-
priate committee of the House of Represen-
tatives 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 bud-
get of the United States for the fiscal year sub-
mitted by the President under title 105 of
title 31, United States Code, after the date of
enactment of this Act, and annually there-
after, the Secretary shall report to the Commit-
tee on Armed Services and the Committee on Appropriations of the Senate and the appro-
priate committees of the House of Represen-
tatives on—
(1) the costs incurred in implementing this
subtitle during the preceding fiscal year;
and
(2) the future costs anticipated to imple-
ment this subtitle during the current and subsequent fiscal years.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SEC. 3201. AUTHORIZATION.
There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under title 10, United States Code, Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE
SEC. 3301. AUTHORIZATION TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DE-
FENSE 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 quantities of such materials 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>Bauxite</td>
<td>40,200 short tons</td>
</tr>
<tr>
<td>Chromium Metal</td>
<td>3,512 short tons</td>
</tr>
<tr>
<td>Iridium</td>
<td>25,140 troy ounces</td>
</tr>
<tr>
<td>Jewel Bearings</td>
<td>30,271,121 pounds</td>
</tr>
<tr>
<td>Manganese Ferric</td>
<td>85,250,000</td>
</tr>
<tr>
<td>Palladium</td>
<td>11 troy ounces</td>
</tr>
<tr>
<td>Quartz Crystal</td>
<td>216,648 pounds</td>
</tr>
<tr>
<td>Tantalum Metal Ingot</td>
<td>120,228 pounds contained</td>
</tr>
<tr>
<td>Tantalum Metal Powder</td>
<td>36,200 pounds contained</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 ma-
terials under subsection (a) to the extent that the disposal will result in—
(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal;
(2) avoidable loss to the United States.
(c) RELATIONSHIP TO OTHER DISPOSAL AU-
THORITY.—The disposal authority provided in subsection (a) is not in addition to, and shall not affect, any other disposal authority provided by law re-

arding the materials specified in such sub-
section.

SEC. 3302. REVISION OF LIMITATIONS ON RE-
QUIRED DISPOSALS OF COBALT IN THE NATIONAL DEFENSE STOCK-
PILE.
(a) PUBLIC LAW 106–261.—Section 3303 of the

Strom Thurmond National Defense Author-
ization Act for Fiscal Year 1999 (112 Stat. 2263; 50 U.S.C. 98d note) is amended—
(1) in subsection (a), by striking “the amount of,” and inserting “total amounts not less than—that,” and
(2) in subsection (b)(2), by striking “receipts in the amounts specified in subsection (a)” and inserting “receipts in the total amounts specified in such subsection (a)—”;
(b) PUBLIC LAW 105–85.—Section 3305 of the

National Defense Authorization Act for Fis-
cal Year 1998 (110 Stat. 2057; 50 U.S.C. 98d note) is amended—
(1) in subsection (a), by striking “amounts equal to”— and inserting “total amounts not less than—”; and
(2) in subsection (b)(2)—
(A) by striking “may not dispose of cobalt under this section” and inserting “may not, under this section, dispose of cobalt in the fiscal year referred to in subsection (a)(5);” and
(B) by striking “receipts in the amounts specified in subsection (a)” and inserting “receipts during that fiscal year in the total amount specified in such subsection (a)(5);”;
(c) PUBLIC LAW 104–201.—Section 3303 of the

National Defense Authorization Act for Fisc-
Cal Year 1997 (110 Stat. 2855; 50 U.S.C. 98d note) is amended—
(1) in subsection (a), by striking “amounts equal to”— and inserting “total amounts not less than—”; and
(2) in subsection (b)(2)—
(A) by striking “may not dispose of materi-
als under this section” and inserting “may not, under this section, dispose of materials during the 10-fiscal year period referred to in subsection (a)(2);” and
(B) by striking “receipts in the amounts spec-
ified in subsection (a)” and inserting “receipts during that period in the total amount specified in such subsection (a)(2);”.

SEC. 3303. ACCELERATION OF REQUIRED DIS-
POSAL OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.
Section 3303(a) of the National Defense Au-

thorization 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”; and
(5) in paragraph (1), by striking “2007” and inserting “2006”.

SEC. 3304. REVISION OF RESTRICTION ON DIS-
POSAL OF MANGANESE FERRO.
Section 3304 of the National Defense Au-

thorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is amended—
(1) in subsection (a)—
(A) by striking “(a) DISPOSAL OF LOWER GRADE MATERIAL. The President” and inserting “During fiscal year 2002, the President”; and
TITLE I—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 212. Advanced Land Attack Missile programs.
Sec. 213. Collaborative program for development of advanced radar systems for naval applications.
Sec. 214. Cost limitation applicable to F-22 aircraft program engineering and manufacturing development.
Sec. 215. Cooperative modernization.

Subtitle C—Ballistic Missile Defense
Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Repeal of program element requirements for ballistic missile defense programs.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.

Subtitle D—Other Matters
Sec. 241. Establishment of unmanned aerial vehicle joint operational test program.
Sec. 242. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 243. Management responsibility for Navy mine countermeasures programs.
Sec. 244. Program to accelerate the introduction of innovative technology in defense acquisition programs.

Subtitle E—Air Force Science and Technology for the 21st Century
Sec. 251. Short title.
Sec. 252. Science and technology investment and development planning.
Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions
Sec. 311. Inventory of explosive risk sites at former military ranges.
Sec. 312. National security impact statements.
Sec. 313. Reimbursement for certain costs in connection with Hoover Sand site, South Berwick, Maine.
Sec. 314. River mitigation studies.
Sec. 315. Elimination of annual report on contractor reimbursements for costs of environmental response actions.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities
Sec. 321. Reserve component commissary benefits.
Sec. 322. Reimbursement for noncommissary use of commissary facilities.
Sec. 323. Civil recovery for nonappropriated fund instrumentality costs related to asbestos.

Subtitle D—Workforce and Depot Issues
Sec. 331. Workforce review limitations.
Sec. 332. Applicability of core logistics capability requirements to nuclear aircraft carriers.
Sec. 333. Continuation of contractor manpower reporting system in Department of the Army.
Sec. 334. Limitation on expansion of Wholesale Logistics Modernization Program.
Sec. 335. Pilot project for exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 336. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.

Subtitle E—Defense Dependents Education
Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Availability of auxiliary services of defense dependents’ education system for dependents who are home school students.
Sec. 343. Report regarding compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense.

Subtitle F—Other Matters
Sec. 351. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
Sec. 352. Continuation of limitations on implementation of Navy-Marine Corps Intranet contract.
Sec. 353. Completion and evaluation of current demonstration programs to improve quality of personal property shipments of members.
Sec. 354. Expansion of entities eligible for loan, gift, and exchange of documents, historical artifacts, and obsolete combat materiel.
Sec. 355. Sense of Congress regarding security to be provided at the 2002 Winter Olympic Games.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Authorized Forces
Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.

Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
Sec. 415. Limitations on numbers of Reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of Reserve components.
Sec. 520. Preparation for, participation in, funeral honors duty.

Sec. 519. Use of military leave for funeral honors duty.

Sec. 517. Funeral honors duty performed by Reserve personnel.

Sec. 516. Reserve members considered to be in active duty in the grade of major.

Subtitle D—Authorization of Appropriations

Sec. 511. Placement on active-duty list of reserve officers.

Sec. 515. Time-in-grade requirement for appointment to grade of rear admiral.

Sec. 514. Authority for limited extension of active duty for certain officers.

Sec. 513. Exception to baccalaureate degree requirement for appointment to reserve officer positions.

Sec. 512. Expanded application of Reserve special selection boards.

Sec. 511. Place of active-duty list of certain reserve officers.

Sec. 510. One-year extension of expiration date for certain force management authorities.

Subtitle B—Reserve Component Personnel Policy

Sec. 519. Use of military leave for funeral honors duty.

Sec. 518. Membership of the National Guard performing funeral honors duty while in non-Federal status.

Sec. 517. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.

Sec. 516. Reserve members considered to be in active duty in the grade of major.

Sec. 515. Time-in-grade requirement for reserve component officers.

Sec. 514. Improved disability benefits for certain reserve component members.

Sec. 513. Exception to baccalaureate degree requirement for appointment to reserve officer positions.

Sec. 512. Expanded application of Reserve special selection boards.

Sec. 511. Placement on active-duty list of certain reserve officers.

Sec. 510. One-year extension of expiration date for certain force management authorities.

Subti...
TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances
Sec. 601. Increase in basic pay for fiscal year 2002.
Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Subsistence allowances.
Sec. 604. Eligibility for basic allowance for housing while between permanent duty stations.
Sec. 605. Uniform allowance for officers.
Sec. 606. Family separation allowance for certain members electing to serve an unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays
Sec. 611. One-year extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of other bonuses and special pay authorities.
Sec. 614. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
Sec. 615. Additional type of duty resulting in eligibility for hazardous duty incentive pay.
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Sec. 1050. Sense of Congress on implementation of fuel efficiency reforms in Department of Defense.

Sec. 1051. Plan for securing Russia’s nuclear weapons, material, and expertise.

Sec. 1052. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

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Sec. 1054. Amendments relating to Commercial Space Launch Act.

Sec. 1055. Action to promote national defense features program.

Sec. 1056. Repeal of requirement for report on Aruban drug detection and monitoring center.

Sec. 1057. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.

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Sec. 1059. Report on the sale and transfer of military hardware, expertise, and technology from States of the former Soviet Union to the People’s Republic of China.

Sec. 1060. Limitation on funding for Joint Data Exchange Center.

Sec. 1061. Extension of authority to provide assistance under Weapons of Mass Destruction Act for support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1062. Repeal of requirement for reporting to Congress on military deployments to Haiti.

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Sec. 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.

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Sec. 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

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Sec. 1109. Authority for designated civilian employees abroad to act as a notary.

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Sec. 1111. Title XIV—DEFENSE SPACE REORGANIZATION

Sec. 1401. Short title.

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Sec. 1405. Comptroller General assessment of implementation of recommendations of Space Commission.

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Sec. 1408. Relationship to authorities and responsibilities of Director of Central Intelligence.

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Sec. 1501. Increased funding.

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Sec. 1511. Assessment of Department of Defense ability to respond to terrorist attacks.

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Sec. 1516. Limitation on number of military personnel in Colombia.

Sec. 1517. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.

Sec. 1518. Report by Comptroller General on the deployment to Haiti.

Sec. 1519. Report by Comptroller General on the former form.

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Sec. 1526. Modification of authority to carry out certain fiscal year 1996 projects.

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Sec. 1528. Modification of authority to carry out certain fiscal year 1994 projects.

Sec. 1529. Modification of authority to carry out certain fiscal year 1993 projects.

Sec. 1530. Modification of authority to carry out certain fiscal year 1992 projects.

Sec. 1531. Modification of authority to carry out certain fiscal year 1991 projects.

Sec. 1532. Modification of authority to carry out certain fiscal year 1990 projects.

Sec. 1533. Modification of authority to carry out certain fiscal year 1989 projects.

Sec. 1534. Modification of authority to carry out certain fiscal year 1988 projects.

Sec. 1535. Modification of authority to carry out certain fiscal year 1987 projects.

Sec. 1536. Modification of authority to carry out certain fiscal year 1986 projects.

Sec. 1537. Modification of authority to carry out certain fiscal year 1985 projects.

Sec. 1538. Modification of authority to carry out certain fiscal year 1984 projects.

Sec. 1539. Modification of authority to carry out certain fiscal year 1983 projects.

Sec. 1540. Modification of authority to carry out certain fiscal year 1982 projects.

Sec. 1541. Modification of authority to carry out certain fiscal year 1981 projects.

Sec. 1542. Modification of authority to carry out certain fiscal year 1980 projects.

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Sec. 1544. Modification of authority to carry out certain fiscal year 1978 projects.

Sec. 1545. Modification of authority to carry out certain fiscal year 1977 projects.

Sec. 1546. Modification of authority to carry out certain fiscal year 1976 projects.

Sec. 1547. Modification of authority to carry out certain fiscal year 1975 projects.

Sec. 1548. Modification of authority to carry out certain fiscal year 1974 projects.

Sec. 1549. Modification of authority to carry out certain fiscal year 1973 projects.

Sec. 1550. Modification of authority to carry out certain fiscal year 1972 projects.

Sec. 1551. Modification of authority to carry out certain fiscal year 1971 projects.

Sec. 1552. Modification of authority to carry out certain fiscal year 1970 projects.

Sec. 1553. Modification of authority to carry out certain fiscal year 1969 projects.

Sec. 1554. Modification of authority to carry out certain fiscal year 1968 projects.

Sec. 1555. Modification of authority to carry out certain fiscal year 1967 projects.

Sec. 1556. Modification of authority to carry out certain fiscal year 1966 projects.

Sec. 1557. Modification of authority to carry out certain fiscal year 1965 projects.

Sec. 1558. Modification of authority to carry out certain fiscal year 1964 projects.

Sec. 1559. Modification of authority to carry out certain fiscal year 1963 projects.

Sec. 1560. Modification of authority to carry out certain fiscal year 1962 projects.

Sec. 1561. Modification of authority to carry out certain fiscal year 1961 projects.

Sec. 1562. Modification of authority to carry out certain fiscal year 1960 projects.

Sec. 1563. Modification of authority to carry out certain fiscal year 1959 projects.

Sec. 1564. Modification of authority to carry out certain fiscal year 1958 projects.

Sec. 1565. Modification of authority to carry out certain fiscal year 1957 projects.

Sec. 1566. Modification of authority to carry out certain fiscal year 1956 projects.

Sec. 1567. Modification of authority to carry out certain fiscal year 1955 projects.

Sec. 1568. Modification of authority to carry out certain fiscal year 1954 projects.

Sec. 1569. Modification of authority to carry out certain fiscal year 1953 projects.

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Sec. 2801. Increase in certain unspecified minor military construction project thresholds.
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Sec. 2812. Base efficiency project at Brooks Air Force Base, Texas.
Sec. 2813. Use of buildings on military installations and reserve components facilities as polling places.

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Subtitle D—Land Conveyances
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Sec. 2831. Modification of land exchange, Rock Island Arsenal, Illinois.
Sec. 2832. Division of land conveyances, Fort Dix, New Jersey.
Sec. 2833. Lease authority, Fort DeRussy, Hawaii.
Sec. 2834. Land exchange and consolidation, Fort Lewis, Washington.
Sec. 2835. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.

PART II—NAVY CONVEYANCES
Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.
Sec. 2842. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
Sec. 2843. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Butler, Maine.
Sec. 2844. Modification of land conveyance, former United States Marine Corps Air Station, Eglin Moutains, Florida.
Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.

PART III—AIR FORCE CONVEYANCES
Sec. 2851. Water rights conveyance, Andros Corps Base, Camp Pendleton, California.
Sec. 2852. Reexamination of land conveyances, Lovel Air Force Base, Colorado.
Sec. 2853. Land conveyance, defense fuel support point, Florida.

Subtitle E—Other Matters
Sec. 2861. Transfer of jurisdiction for development of Armed Forces recreation facility, Park City, Utah.
Sec. 2862. Selection of site for United States Air Force Memorial and related land transfers for the improvement of Arlington National Cemetery, Virginia.
Sec. 2863. Management of the Presidio of San Francisco.
Sec. 2864. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
Sec. 2865. Establishment of World War II memorial at additional location on Guam.
Sec. 2866. Additional extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
Sec. 2867. Conveyance of federal easements, former Norton Air Force Base, California.
Sec. 2868. Report on options to promote economic development in community adjacent to United States Military Academy, New York.

TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL
Sec. 2901. Short title.
Sec. 2902. Withdrawal and reservation of lands for National Training Center.
Sec. 2903. Map and legal description.
Sec. 2904. Management of withdrawn and reserved lands.
Sec. 2905. Water rights.
Sec. 2906. Environmental compliance and environmental response requirements.
Sec. 2907. West Mojave Coordinated Management Plan.
Sec. 2908. Release of wilderness study areas.
Sec. 2909. Training activity separation from utility corridors.
Sec. 2910. Duration of withdrawal and reservation.
Sec. 2911. Extension of initial withdrawal and reservation.
Sec. 2912. Termination and relinquishment.
Sec. 2913. Delegation of authority.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
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Sec. 301. National Nuclear Security Administration.
Sec. 302. Defense environmental restoration and waste management.
Sec. 303. Other defense activities.
Sec. 304. Defense environmental management privatization.
Sec. 305. Defense nuclear waste disposal.
Sec. 306. Increased amount for nonproliferation and verification.

Subtitle B—Recurring General Provisions
Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
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Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
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Subtitle C—Requirements, Restrictions, and Limitations
Sec. 3132. Organizational modifications for National Nuclear Security Administration.

Title XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.

Title XXXIII—NATIONAL DEFENSE STOCKPILE
Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Disposal of obsolete and excess materials contained in national defense stockpile.
Sec. 3304. Expedited implementation of authority to dispose of cobalt from National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES
Sec. 3401. Authorization of appropriations.

Title XXXV—MARITIME ADMINISTRATION
Sec. 3502. “War risks” to vessels to include confiscation, expropriation, nationalization, and deprivation of vessels.
Sec. 3503. Holding obligor’s cash as collateral under title XI of Merchant Marine Act, 1936.

SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.
For purposes of this Act, the term “congressional defense committees” means—
(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS
TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations
Sec. 101. Army.
Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:
(a) For aircraft, $1,987,891,000.
(b) For missiles, $1,097,286,000.
(c) For other procurement, $4,143,986,000.

Sec. 102. Navy and Marine Corps.
Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:
(a) For aircraft, $8,337,243,000.
(b) For other procurement, $4,157,313,000.

Sec. 103. Air Force.
Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:
(a) For aircraft, $8,337,243,000.
(b) For missiles, $1,097,286,000.
(c) For other procurement, $4,143,986,000.
SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $2,267,346,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $1,960,000.

SEC. 106. COUNTERDILITILIZATION PROGRAM.

There are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out the programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

SEC. 108. ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.

(a) INCREASE IN SCN AMOUNT.—The amount provided in section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by $75,000,000, to be available for the U.S.S. Eisenhower (CVN-69) Rebuilding Complex overhaul program.

(b) OPPERT.—The amount provided in section 102(a)(3) for shipbuilding and conversion, as increased by this subsection, is hereby reduced by $57,100,000, to be derived from amounts for consulting services.

Subtitle B—Army Programs

SEC. 111. EXTENSION OF MULTYEARS CONTRACT FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

In order to ensure that an adequate number of vehicles of the “A1” variant of the Family of Medium Tactical Vehicles program continue to be fielded to the Army, the Secretary of the Army may extend for one gram continue to be fielded to the Army, the Family of Medium Tactical Vehicles program (notwithstanding the maximum period for such contracts otherwise applicable under section 2306b(k) of title 10, United States Code) if the Secretary determines that it is necessary to do so in order to prevent a break in production of those vehicles.

SEC. 112. REPEAL OF LIMITATIONS ON BUNKER MUNITIONS PROGRAM.


Subtitle C—Air Force Programs

SEC. 121. MULTYEARS PROCUREMENT OF C-17 AIRCRAFT.

If the Secretary of Defense certifies to the congressional defense committees before the enactment of this Act that it is in the interest of the Department of Defense to proceed with a follow-on multi-year procurement of additional C-17 aircraft, then the Secretary may, in accordance with section 2306b of title 10, United States Code, enter into a new multi-year procurement contract to extend the current multi-year procurement contract beginning October 1, 2002 to procure up to 60 additional C-17 aircraft in order to meet the Department’s airlift requirements.

Subtitle D—Chemical Munitions Destruction

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

Section 303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 3212 note) is amended—

(1) in subsection (b)—

(A) by inserting “for that site” after “in place”; and

(B) by adding at the end the following new paragraph:

“(4) Emergency preparedness and response capabilities have been established at the site and in the surrounding communities to respond to emergencies involving risks to public health or safety among the Secretary of Defense as being risks resulting from the storage or destruction of lethal chemical agents and munitions at the site.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics recommends initiation of destruction at the site after considering the recommendation by the board established by subsection (g); and

(2) by adding at the end the following new subsection:

“(g) OVERSIGHT BOARDS.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall convene, for each site at which the chemical munitions stockpile is stored in an independent oversight board composed of—

“(A) the Secretary of the Army;

“(B) the Director of the Federal Emergency Management Agency;

“(C) the Administrator of the Environmental Protection Agency;

“(D) the President of the National Academy of Sciences;

“(E) the Governor of the State in which the site is located; and

“(F) one individual designated by the Under Secretary from a list of three local representatives of the area in which the site is located, prepared jointly by the Member of the House of Representatives who represents the Congressional District in which the site is located and the Senators representing the State in which the site is located.

“(2) Not later than six months after each such board is convened, the board shall make a recommendation to the Under Secretary whether the destruction of the chemical munitions stockpile should be initiated at the site.

“(3) The Under Secretary may not recommend initiation of destruction of the chemical munitions stockpile at a site unless there has been an independent recommendation by the board until 90 days after the Under Secretary provides notice to Congress of the intent to recommend initiation of destruction.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,749,025,000.

(2) For the Navy, $10,983,274,000.

(3) For the Air Force, $14,455,654,000.

(4) For Defense-wide activities, $15,501,928,000, of which $237,355,000 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, $1,973,843,000 shall be available for basic research and $237,355,000 for 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.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL RESEARCH PROGRAM.

Of the funds authorized to be appropriated by section 201(d), $5,000,000 shall be available for the cooperative Department of Defense/Department of Veterans Affairs Medical Research Program. The Secretary of Defense shall transfer such amount to the Secretary of Veterans Affairs for such purpose not later than 30 days after the date of the enactment of this Act.

SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a competitive program for the development of an advanced land attack missile for the DD-21 land attack destroyer and other naval combatants.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, with the submission of the budget request for fiscal year 2003, a report providing the program plan for the Advanced Land Attack Missile program, the schedule for that program, and funding required for that program.

(c) FUNDING.—Of the amount authorized to be appropriated under section 201(4) for research, development, test, and evaluation for the Navy, $20,000,000 shall be available in PE 0603795N for the Advanced Land Attack Missile program.

SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ADVANCED RADAR SYSTEMS FOR NAVAL APPLICATIONS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to develop and demonstrate advanced technologies and concepts leading to advanced radar systems for naval and other applications.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out by the collaborative approach, in accordance with a memorandum of agreement to be entered into by the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Activities needed to develop and deploy advanced electronic materials, including specifically wide band gap electronics components needed to extend the range and sensitivity of naval radars.

(2) Identification of acquisition systems for use of the new technology.

(c) REPORT.—Not later than January 31, 2002, the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) Identification of the funding required for fiscal year 2003 and for the future-years defense program to carry out the program.

(4) A list of program capability goals and objectives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated for fundamental research and development activities by section 201(d) for the Defense Advanced Research Projects Agency, $41,000,000...
shall be available for applied research and maturation of high frequency and high power wide band gap semiconductor electronics technology to carry out the program under subsection (a).

(2) Of the amount authorized to be appropriated by section 201(2) for the Department of the Navy, $15,500,000 shall be available to carry out a program of research, development, test, and evaluation of the Navy’s shipboard launchers for defense against cruise missiles, in support of missile defense Modernization for the 200(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by $30,000,000, to be available for Re-engineing and Avionics Modernization for the C-5 aircraft.

SEC. 215. C-5 AIRCRAFT MODERNIZATION.

(a) INCREASE IN AIR FORCE RDTE AMOUNT.—The amount provided in section 201(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by $30,000,000, to be available for Re-engineing and Avionics Modernization for the C-5 aircraft.

(b) OPFSP.—The amount provided in section 301(3) is hereby reduced by $30,000,000, to be derived from amounts for consulting services.

Subtitle C—Ballistic Missile Defense

SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCUREMENT FOR MISSILE DEFENSE PROGRAMS FROM BALLISTIC MISSILE DEFENSE ORGANIZATION TO MILITARY DEPARTMENTS.

(a) BUDGETING OF MISSILE DEFENSE PROCUREMENT AUTHORITY.—(1) Subsection (a) of section 1006 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–65; 111 Stat. 767) is amended by striking “procurement” both places it appears and inserting “research, development, test, and evaluation” in its place.

(2) The authority provided in paragraph (1) is further amended by striking subsections (b) and (c) and inserting the following:

"(b) COVERED PROGRAMS.—Subsection (a) applies to any ballistic missile defense program for which research, development, test, and evaluation is carried out by the Ballistic Missile Defense Organization."

(b) BOSS.—(A) The heading of this subsection is amended to read as follows:

“§ 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.”

(c) TRANSFER CRITERIA.—The Secretary of Defense shall establish, and submit to the congressional defense committees, criteria for the transfer of ballistic missile defense programs from the Ballistic Missile Defense Organization to the military departments. Those criteria shall, at a minimum, address technical maturity of the program, availability of facilities for production, and service commitment to procurement funding.

(d) TRANSFER RESPONSIBILITY.—Responsibility for a ballistic missile defense program is transferred from the Ballistic Missile Defense Organization to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary’s intent to make that transfer. The Secretary shall submit with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) REPEAL.—Section 223 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 223.

SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts appropriated for the Department of Energy pursuant to section 332 of the Energy Policy Act of 2001 (Public Law 107–36) and available, subject to subsection (b) and at the discretion of the Secretary of Energy, for nuclear weapons activities at the national laboratories of the Department of Energy in support of the missions of the Ballistic Missile Defense Organization, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to enhance performance, reduce risk, and improve reliability of ground-based interceptors for ballistic missile defense.

(2) Support for science and engineering teams to assess critical technical problems and prudent risk assessment approaches agreed upon by the Director of the Ballistic Missile Defense Organization and the Administrator for Nuclear Security.

(3) Funds to carry out the missile defense development, testing, and demonstration activities at the national laboratories of the Department of Energy that are required to be conducted under the Department of Energy Acquisition Regulations.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 332 of the Energy Policy Act of 2001 (Public Law 107–36; 114 Stat. 355) to provide for jointly funded projects.

SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.

(a) TESTING INFRASTRUCTURE.—(1) The Secretary of Defense shall ensure that each annual budget request of the Department of Defense:

(A) is designed to provide for comprehensive testing of ballistic missile defense programs during early stages of development;

(B) includes necessary funding to support and improve the infrastructure and provide adequate test assets for the testing of such programs;

(2) The Secretary shall ensure that ballistic missile defense programs incorporate, to the greatest possible extent, operationally realistic test configurations (referred to as “test bed” configurations) to demonstrate performance across a broad range of capability and, during final stages of operational testing, to demonstrate reliable performance.

(b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM DEVELOPMENT.—In order to demonstrate acceptable risk and developmental stability, the Secretary of Defense shall ensure that any ballistic missile defense program incorporates, to the maximum extent practicable, the following during the early stages of system development:

(1) Pursuit of parallel conceptual approaches and facilities for key elements of the proposed system that are considered to present high risk, with such ground testing to make use of existing facilities and conduct demonstrations of feasibility of critical test assets at the highest possible levels of integration.

(2) Where appropriate, expenditures to enhance the capabilities of flight-test facilities, or to construct new test facilities, to support alternative complementary test methodologies.

(3) Sufficient funding of test instrumentation to ensure accurate measurement of all critical test events and, where possible, incorporation of mobile assets to enhance flexibility in test conditions.

(4) Incorporation into the program of sufficient schedule flexibility and expendable test assets, including in-flight, ground, and targets, to ensure that failed or aborted tests can be repeated in a prudent, but expeditious manner.

(b) INCORPORATION INTO FLIGHT-TEST PLANNING.—For ground-based mid-course interceptor systems, the Secretary of Defense shall utilize steps during fiscal year 2002 to establish a flight-test capability of launching not less than three missile defense interceptors and no less than two ballistic missile targets to provide a realistic test infrastructure.

SEC. 235. MISSILE DEFENSE SYSTEM TEST BED CONSTRUCTION FACILITIES.

(a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILITIES.—(1) The Secretary of Defense, using funds appropriated pursuant to this section, may carry out construction projects, or portions of construction projects, including facilities for the acquisition, improvement, or construction of facilities of general utility, to establish and operate the Missile Defense System Test Bed Facilities.

(b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COMMUNITIES.—(1) Subject to paragraph (2), the Secretary of Defense, using funds appropriated pursuant to this section, may carry out, or contribute to, construction projects, or portions of construction projects, including facilities for the acquisition, improvement, or construction of facilities of general utility, to establish and operate the Missile Defense System Test Bed Facilities.

(2) The authority provided in paragraph (1) may be used to acquire or construct facilities at a total cost not to exceed $500,000,000.
SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE JOINT OPERATIONAL TEST BED SYSTEM.

(a) ESTABLISHMENT OF TEST BED RED SYSTEM.—The commander of the United States Joint Forces Command shall establish a capability (referred to as a “test bed”) within the facilities and resources of that command to evaluate and enhance Joint unmanned aerial vehicle systems. That capability shall be independent of the military departments and shall be managed directly by the Joint Forces Command.

(b) REQUIRED TRANSFER OF PREDATOR UAV ASSETS TO TEST BED.—The Secretary of the Navy shall transfer to the commander of the Joint Forces Command the two Predator unmanned aerial vehicles currently undergoing operational testing by the Navy, each equipped with associated payloads and antennas and the associated tactical control system (TCS) ground station.

(c) USE BY JOINT FORCES COMMAND.—The items transferred pursuant to subsection (a) may be used by the commander of the United States Joint Forces Command only through the independent joint operational test bed system established pursuant to subsection (a) for testing of those items, including further development of the associated tactical control system (TCS) ground station, other aspects of unmanned aerial vehicle interoperability, and participation in such experiments as the commander considers appropriate to the mission of that command.

(d) CHALLENGE PROGRAM.—The transfers required by subsection (b) shall be completed not later than 90 days after the date of the enactment of this Act.

(e) NO LONGER REQUIRED BY JOINT FORCES COMMAND.—Upon a determination by the commander of the United States Joint Forces Command that any of the items transferred pursuant to subsection (a) are no longer needed by that command for use as provided in subsection (c), those items shall be transferred to the Secretary of the Army.

SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN THE NAVY MINE COUNTERMEASURES PROGRAM OF THE UNITED STATES NAVY.

(a) PROJECT REQUIRED.—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase small business and university participation in the Navy Mine Countermeasures Program (MN CPM) of the United States Navy.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by Office of Naval Research to access and use Navy facilities without charge for purposes of carrying out such contracts; and

(3) permit universities, institutions of higher learning, and Federally Funded Research and Development Centers collaborating with SBIR and STTR participants to use Navy facilities.

(c) REPORT.—Not later than February 1, 2004, the Secretary shall submit to Congress a report on the demonstration project. The report shall include a description of the activities of the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.


SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION OF INNOVATIVE TECHNOLOGY IN DEFENSE ACQUISITION PROGRAMS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program shall be known as the Challenge Program and shall provide an individual or activity within or outside the Department of Defense with the opportunity to propose a technology that significantly improves in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent.

(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary of Defense shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as the “Panel”) under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out review and evaluation of challenge proposals under subsection (c).

(2) A member of the Panel may not participate in the review of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in the development or been affiliated with the Department of Defense program for which the challenge proposal is proposed.

(c) REVIEW AND EVALUATION OF CHALLENGE PROPOSALS.—(1) Under procedures prescribed by the Secretary, an individual or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

(2) The Panel shall carry out an expedited evaluation of each challenge proposal submitted to it to determine whether a prima facie case has been made that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program. If the Panel determines that such a case has not been met, the Panel may turn down the challenge proposal. In any other case, the Panel shall provide for a full review of the challenge proposal under paragraph (3).

(3) In carrying out a full review of a challenge proposal, the Panel shall ensure the following:

(A) Any incumbent that would be displaced by the implementation of the challenge proposal or any substantial component of the system level of the applicable acquisition program shall be afforded the opportunity to participate in the challenge proposal and any recommendations for the implementation of the challenge proposal.

(B) The Panel shall carry out an expedited evaluation of each challenge proposal submitted to it to determine whether a prima facie case has been made that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent.

(C) The Secretary of Defense shall ensure that the Panel, in carrying out review and evaluation of challenge proposals under this subsection, has the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, and other elements of the Department.

(d) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If, after the full review of a challenge proposal is completed, the Panel finds that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent, the Panel shall submit a report to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(e) ACTION UPON FINDINGS.—Upon receiving a finding under subsection (d), the Under Secretary of Defense shall require the developer and implement the challenge proposal with respect to which the finding was made. The Secretary shall carry out such plan—

(1) after canceling the contract of any incumbent that would be displaced by the implementation of the challenge proposal; or

(2) after an appropriate program milestone (such as the expiration of such a contract) has been reached.

(f) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each review and evaluation under subsection (c), the Secretary shall ensure the elimination of conflicts of interest.

(g) FUNDING.—Of the funds authorized to be appropriated by section 201(d) for Defense-wide research, development, test, and evaluation for fiscal year 2002, $80,000,000 shall be available in PE 63826D8Z for the Challenge Program required by this section.

(h) REPORT.—The Secretary shall submit to Congress, with the report required in section 251 of this title, a report on the implementation of this section. The report shall include the national scope of the demonstration projects submitted, reviewed and evaluated, found to be substantially superior, and implemented.

Title E—Air Force Science and Technology for the 21st Century

SEC. 251. SHORT TITLE.

This title may be cited as the “Air Force Science and Technology for the 21st Century Act.”

SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development that is consistent across all levels of Air Force management in a manner that is not dependent on individuals; and

why the challenge proposal should not be implemented.

(B) Notice of the full review of the challenge proposal is published in one or more appropriate federal or commercial publications of national circulation.

(C) If one or more challenge proposals are submitted on matters relating to the challenge proposal, the Panel shall, to the maximum extent practicable, carry out a full review of those other challenge proposals together with the full review of the original challenge proposal.

(D) The Secretary of Defense shall ensure that the Panel, in carrying out review and evaluation of challenge proposals under this subsection, has the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, and other elements of the Department.

(E) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If, after the full review of a challenge proposal is completed, the Panel finds that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent, the Panel shall submit a report to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(F) ACTION UPON FINDINGS.—Upon receiving a finding under subsection (d), the Under Secretary of Defense shall require the developer and implement the challenge proposal with respect to which the finding was made. The Secretary shall carry out such plan—

(1) after canceling the contract of any incumbent that would be displaced by the implementation of the challenge proposal; or

(2) after an appropriate program milestone (such as the expiration of such a contract) has been reached.

(G) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each review and evaluation under subsection (c), the Secretary shall ensure the elimination of conflicts of interest.

(H) FUNDING.—Of the funds authorized to be appropriated by section 201(d) for Defense-wide research, development, test, and evaluation for fiscal year 2002, $80,000,000 shall be available in PE 63826D8Z for the Challenge Program required by this section.

(I) REPORT.—The Secretary shall submit to Congress, with the report required in section 251 of this title, a report on the implementation of this section. The report shall include the national scope of the demonstration projects submitted, reviewed and evaluated, found to be substantially superior, and implemented.
(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology council is effective in directing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective and ensure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective in aiding the coordination, focus, and content of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–46) is effective in aiding the budget and planning process.

(c) REPORT.

(1) Not later than 60 days after the date on which the study required by subsection (b) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(2) Funds are hereby authorized to be appropriated for the purpose of Congress to carry out this section.

(3) The Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

(b) TRANSFER AUTHORITY.

(A) The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine the relationship between the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(B) May not be expended for an item that has been denied authorization of appropriations by Congress.

(C) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

SEC. 301. OPERATION AND MAINTENANCE FUND.

Funds are hereby authorized to be appropriated for the purpose of Congress to carry out this section.

SEC. 301. OPERATION AND MAINTENANCE FUND.

Funds are hereby authorized to be appropriated for the purpose of Congress to carry out this section.

(a) DEFINITIONS.—In this section:

(1) The term ‘military range’ means a military range that is adjacent to a state or territory.

(2) The term ‘adjacent to a state or territory’ means an area of land, including airspace, that is physically contiguous to the boundaries of a state or territory.

(3) The term ‘adjacent to a state or territory’ includes the boundaries of a state or territory.

(b) USE OF MOUNTAIN AIRSPACE AND RANGE.

(1) In general.—The Secretary of the Air Force shall ensure that the use of mountain airspace and range is constrained to ensure the safety and security of the public and the United States.

(2) Relationship to other transfer.

(3) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the purpose of Congress to carry out this section.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2002 for the purpose of Congress to carry out this section.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

(b) USE OF MOUNTAIN AIRSPACE AND RANGE.

(1) In general.—The Secretary of the Air Force shall ensure that the use of mountain airspace and range is constrained to ensure the safety and security of the public and the United States.

(2) Relationship to other transfer.

(3) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

(c) Use of MOUNTAIN AIRSPACE AND RANGE.

(1) In general.—The Secretary of the Air Force shall ensure that the use of mountain airspace and range is constrained to ensure the safety and security of the public and the United States.

(2) Relationship to other transfer.

(3) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

(b) USE OF MOUNTAIN AIRSPACE AND RANGE.

(1) In general.—The Secretary of the Air Force shall ensure that the use of mountain airspace and range is constrained to ensure the safety and security of the public and the United States.

(2) Relationship to other transfer.

(3) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

(c) Use of MOUNTAIN AIRSPACE AND RANGE.

(1) In general.—The Secretary of the Air Force shall ensure that the use of mountain airspace and range is constrained to ensure the safety and security of the public and the United States.

(2) Relationship to other transfer.

(3) Transfer authority provided in this section is in addition to the transfer authority provided in sections 301 through 304.

SEC. 306. INVENTORY OF EXPLOSIVE RISK SITES.

Funds are hereby authorized to be appropriated for the purpose of Congress to carry out this section.

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SEC. 323. INVENTORY OF EXPLOSIVE RISK SITES.

Funds are hereby authorized to be appropriated for the purpose of Congress to carry out this section.
The inventory shall be available in public, after the Secretary shall notify immediately affected individuals, appropriate State, local, tribal, and Federal officials, and, when appropriate, civil defense or emergency management agencies."

(2) The table of sections at the beginning of each chapter is amended by adding at the end the following new item:

"2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues.".

(b) INITIAL INVENTORY.—The inventory required by section 2710 of title 10, United States Code, as added by subsection (a), shall be completed and made available not later than one year after the date of the enactment of this Act.

SEC. 112. NATIONAL SECURITY IMPACT STATEMENTS.

(a) EVALUATION OF NATIONAL SECURITY IMPACTS REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by inserting after section 2710, as added by section 311, the following new subsection:

"2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives.

"(a) AGENCY ACTION.—Whenever an environmental impact statement or environmental assessment is required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in connection with a proposed Department of Defense action, the Secretary of Defense shall include as a part of the environmental impact statement or environmental assessment a detailed evaluation of the impact of the proposed action, and each alternative to the proposed action considered in the statement or assessment, on national security, including the readiness, training, testing, and operations of the armed forces.

"(b) AGENCY INPUT.—The Secretary of Defense shall provide to a lead agency preparing an environmental impact statement or environmental assessment the following information:

"(i) The inventory; public safety issues.

"(ii) The Secretary shall submit to the Committee on Armed Services of the Senate a report that summarizes the results of the studies conducted under this section.

"(c) USE OF EXISTING INFORMATION.—In conducting the studies authorized by subsection (a) of this section, the Secretary shall take into account any information available from other studies conducted in connection with the same navigation channel.

"(d) CONSULTATION.—The Secretary shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(b) EFFECTIVE DATE.—Section 2711 of title 10, United States Code, as added by subsection (a), shall be in effect on the date of the enactment of this Act.

SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH THE TRANSFER OF THE RANGE FROM MILITARY CONTROL.

(a) PORT OF ORANGE, SABINE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with protruding structures and submerged objects remaining from the World War II Navy ship building industry located at the former Navy installation in Orange, Texas, which create navigational hazards along the Sabine River and surrounding the Port of Orange.

(b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with protruding structures and submerged objects remaining from the Bureau of Ships Philadelphia Naval Shipyard in that portion of the Delaware River from Philadelphia to the mouth of the river which create navigational hazards along the river.

(c) USE OF EXISTING INFORMATION.—In conducting the studies authorized by subsection (a) of this section, the Secretary shall take into account any information available from other studies conducted in connection with the same navigation channel.

(d) CONSULTATION.—The Secretary shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(e) REPORT ON STUDY RESULTS.—Not later than April 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that summarizes the results of the studies conducted under this section.

(f) COST SHARING.—Nothing in this section is intended to require non-Federal cost sharing of the costs incurred by the Secretary of Defense to conduct the studies authorized by this section.

(g) REMOVAL AUTHORITY.—Consistent with existing laws, using funds authorized to be appropriated for these purposes, and after providing notice to Congress, the Secretary of Defense may order the removal of protruding structures and submerged objects from the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the Navy ship building industry and Navy installation in Orange, Texas; and

(1) to remove the protruding structures and submerged objects along the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the Navy ship building industry and Navy installation in Orange, Texas; and

(2) to remove floating and partially submerged debris along the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the Navy ship building industry and Navy installation in Orange, Texas.

(h) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided by the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

SEC. 315. ELIMINATION OF ANNUAL REPORT ON CONTRACTOR REIMBURSEMENT FOR COSTS IN CONNECTION WITH RESPONSE ACTIONS.

Section 2706 of title 10, United States Code, is amended by striking subsection (c).
SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.

(a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Section 1063 of title 10, United States Code, is amended—

(1) by striking subsection (a);

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

(3) by inserting after the section heading the following new subsections:

“(a) Eligibility.—Subject to subsection (c), the Secretary concerned shall authorize members of the Ready Reserve described in subsection (b) to have 24 days of eligibility to use commissary stores of the Department of Defense for any calendar year.

“(b) COVERED MEMBERS.—Subsection (a) applies with respect to the following members of the Ready Reserve:

“(1) A member of the Selected Reserve who is satisfactorily participating in required training as prescribed in section 10147(a)(1) of this title or section 560(a) of title 32 in that calendar year.

“(2) A member of the Ready Reserve (other than a member described in paragraph (1)) who completes 50 or more points credible under section 12723(a)(2) of this title in that calendar year.

“(c) REDUCED NUMBER OF COMMISSARY VISITS FOR NEW MEMBERS.—The number of commissary visits authorized for a member of the Selected Reserve described in subsection (b)(1) who enters the Selected Reserve after the beginning of any calendar year shall be equal to twice the number of full months remaining in the calendar year.

“(d)(1) If the Secretary of Defense, or the relevant Assistant Secretary concerned, certifies that the Secretary of the Army designated and shall specify the core components of the Logistics Modernization Program such that the cost savings requirement specified in paragraph (1) are not met by the Department of Defense, the Secretary of the Army or the Assistant Secretary concerned may propose to Congress the expansion of the Logistics Modernization Program beyond the original legacy systems included in the scope of the contract awarded in December 1999 under the certification

(2) The cost savings requirement specified in paragraph (1) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) development and depot-level maintenance and repair services.

“(3) The Secretary of Defense may waive the cost savings requirements specified in paragraph (1) if the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison.

“(C) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.

“(d) WORKFORCE REVIEW DEFINED.—In this section, the term ‘workforce review’ with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.

Section 2665 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) 1063. Use of commissary stores: members of Ready Reserve.

“(2) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 1063 and inserting the following new item:

“1063. Use of commissary stores: members of Ready Reserve.

“(2) The Secretary shall submit to Congress an evaluation pursuant to a public-private partnership undertaken by the Center under subsection (b).

“(3) COVERED CENTERS.—(A) The Centers of Excellence under this section any of the following:

“(1) Ogden Air Logistics Center, Utah.

“(2) The funds referred to in paragraph (1) are funds available to the Air Force for depot-level maintenance and repair workloads for fiscal year 2002, 2003, 2004, 2005, and 2006, and shall not exceed 10 percent of the total funds available in any single year.

“(b) COVERED CENTERS.—(A) The Centers of Industrial and Technical Excellence referred to in paragraph (1) are the following:

“(i) Oklahoma City Air Logistics Center, Oklahoma.

“(ii) Ogden Air Logistics Center, Utah.

“(iii) Warner-Robins Air Logistics Center, Georgia.

“(3) REPORTING REQUIREMENTS.—All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2666(e) of this title.

SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY REQUIREMENTS TO NUCLEAR AIRCRAFT CARRIERS.

Section 2669(a)(3)(c) of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) APPLICABILITY OF LOGISTICS CAPABILITY REQUIREMENTS TO NUCLEAR AIRCRAFT CARRIERS.

SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER REPORTING SYSTEM IN DEPARTMENT OF THE ARMY.

Section 343 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 569) is amended—

(1) by striking subsection (a) and inserting the following new subsections:

“(a) REPORTING REQUIREMENT FOR DEPARTMENT OF THE ARMY.—Not later than March 1 of each fiscal year, the Secretary of the Army shall submit to Congress a report concerning the use of non-Federal entities to provide services to the Department of the Army.

“(b) The data collection required to prepare the report required in paragraph (a) is in compliance with the requirements of chapter 35 of title 44, United States Code, commonly known as the Paperwork Reduction Act.

“(c) The report required by this section is needed to comply with sections 113a and 129a of title 10, United States Code, and is not a procurement action.

SEC. 334. PROTECTIONS FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) GENERAL RULE.—Section 2563(c) of title 10, United States Code, is amended—

(1) by striking “in any case of willful negligence” and inserting “as provided in paragraph (3)”;

(2) by striking “in any case of willful negligence” and inserting “as provided in paragraph (3)”;

(3) by adding at the end the following new subsection:

“(d) GAO EVALUATION.—Not later than 60 days after the Secretary submits to Congress the report required under subsection (a) for a fiscal year, the Comptroller General shall submit to Congress an evaluation of the report.”.

SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PROCUREMENT PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2464(a)(3) of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) PILOT PROJECT FOR THE EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PROCUREMENT PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

“(1) AMOUNTS INCLUDED.—Amounts expended out of funds described in paragraph (2) for the performance of a depot-level maintenance and repair workload by a Federal Government contractor at a Center of Industrial and Technical Excellence named in paragraph (1) shall not be included for purposes of section 2466(a)(1) if the contractor is a public-private partnership undertaking the Center under subsection (b).

“(2) FUNDS FOR FISCAL YEARS 2002 THROUGH 2006.—The funds referred to in paragraph (1) are funds available to the Air Force for depot-level maintenance and repair workloads for fiscal years 2002, 2003, 2004, 2005, and 2006, and shall not exceed 10 percent of the total funds available in any single year.

“(3) REPORTING REQUIREMENTS.—All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2466(e) of this title.

Sec. 336. PROTECTION FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE.
(2) by adding at the end the following new paragraph: “(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or, in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality and cost performance or other requirements in the contract to provide the articles or services.”

(b) AMENDMENT.—Section 247(e)(2)(B)(1) of such title is amended by striking “in a willful conduct or gross negligence” and inserting “under the circumstances described in section 2563(c)(3) of this title”.

Title E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for which that agency is eligible, $30,000,000 shall be available only for the purpose of providing educational assistance to local educational agencies; and (2) the amount of the assistance or payment; and (2) by adding at the end the following new paragraph: “(2) by striking ‘fiscal year 2001’ both places it appears and inserting ‘fiscal year 2002’; and (2) by striking ‘Marine Corps, the naval shipyards, or’ both places it appears and inserting ‘naval shipyards or’.

SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DEFENSE DEPENDENTS’ EDUCATION SYSTEM FOR DEPENDENTS OF HOME SCHOOL STUDENTS

Section 1407 of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 926) is amended—

SEC. 343. REPORT REGARDING COMPENSATION FOR TEACHERS EMPLOYED IN TEACHING POSITIONS IN OVERSEAS SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating whether the demonstration programs referred to in subsection (a), as implemented, satisfy the goals (as contained in the General Accounting Report NSIAD-97-49) for such demonstration programs previously identified by the Department of Defense and representatives of private sector entities involved in the transportation of household goods for members of the Armed Forces.

(b) INTERIM REPORTS.—Not later than January 15, 2002, and April 15, 2002, the Secretary shall submit to Congress interim reports regarding the progress of the demonstration programs referred to in subsection (a).

SEC. 345. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN, GRANT, AND EXCHANGE OF DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSCURE COMBAT MATERIAL.

Title IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows: (a) The Army, 440,000; (b) The Navy, 367,000; (c) The Marine Corps, 172,600.

Title B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE

(a) IN GENERAL.—The Armed Forces are authorized strengths for the Reserve personnel of the reserve components as of September 30, 2002, as follows:
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 Reserve to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 22,974.
2. The Army Reserve, 13,108.
3. The Marine Corps Reserve, 2,261.
4. The Air National Guard of the United States, 11,591.
5. The Air Force Reserve, 1,437.

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

1. For the Army National Guard of the United States, 22,422.
2. For the Army Reserve, 5,999.
3. For the Naval Reserve, 14,811.
4. For the Marine Corps Reserve, 2,261.
5. For the Air National Guard of the United States, 22,422.
6. For the Air Force Reserve, 9,818.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The text of section 12011 of title 10, United States Code, is amended to read as follows:

(a) Officers.—The title as of section 12011 of title 10, United States Code, is amended to read as follows:

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10227(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) Limitations.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td>1,300</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>850</td>
</tr>
<tr>
<td>Colonel</td>
<td>560</td>
</tr>
</tbody>
</table>

(2) The text of section 12011 of title 10, United States Code, is amended to read as follows:

SEC. 416. 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, 1,660.
3. For the Air Force Reserve, 90.
4. For the Air National Guard of the United States, 350.
5. The Air Force Reserve, 1,437.

(2) The text of section 12011 of title 10, United States Code, is amended to read as follows:

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10227(a) of title 10, United States Code.

SEC. 414. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

The text of section 12011 of title 10, United States Code, is amended to read as follows:

(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, 1,660.
3. For the Air Force Reserve, 90.
4. For the Air National Guard of the United States, 350.
5. The Air Force Reserve, 1,437.

(2) The text of section 12011 of title 10, United States Code, is amended to read as follows:

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10227(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.

(a) Officers.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10227(a) of title 10, United States Code.

SEC. 414. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

The text of section 12011 of title 10, United States Code, is amended to read as follows:

(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, 1,660.
3. For the Air Force Reserve, 90.
4. For the Air National Guard of the United States, 350.
5. The Air Force Reserve, 1,437.

(2) The text of section 12011 of title 10, United States Code, is amended to read as follows:

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10227(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.
Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Total number of members of Naval Reserve serving on full-time reserve component duty</th>
<th>Major</th>
<th>Lieutenant Colonel</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000</td>
<td>530</td>
<td>500</td>
<td>240</td>
</tr>
<tr>
<td>4,500</td>
<td>585</td>
<td>539</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>684</td>
<td>565</td>
<td>261</td>
</tr>
<tr>
<td>6,000</td>
<td>735</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>290</td>
</tr>
<tr>
<td>10,000</td>
<td>835</td>
<td>635</td>
<td>300</td>
</tr>
</tbody>
</table>

Air National Guard:

<table>
<thead>
<tr>
<th>Total number of members of Air National Guard serving on full-time reserve component duty</th>
<th>Major</th>
<th>Lieutenant Colonel</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000</td>
<td>333</td>
<td>335</td>
<td>251</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>278</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>688</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>323</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>1,071</td>
<td>948</td>
<td>350</td>
</tr>
<tr>
<td>17,000</td>
<td>1,126</td>
<td>998</td>
<td>359</td>
</tr>
<tr>
<td>18,000</td>
<td>1,181</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>1,283</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 each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grade shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

c) Reallocations to Lower Grades.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

(d) Secretarial Waiver.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

(e) Full-Time Reserve Component Duty Defined.—In this section, the term ‘full-time reserve component duty’ means the following duty:

(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

(3) Active duty described in section 708 of title 32.

(b) Senior Enlisted Members.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

(1) Limitations.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E-8 and E-9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Total number of members of a reserve component serving on full-time reserve component duty</th>
<th>E-8</th>
<th>E-9</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>1,052</td>
<td>154</td>
</tr>
</tbody>
</table>
Total number of members of a reserve component serving on full-time reserve component duty:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11,000</td>
<td></td>
<td>1,126</td>
</tr>
<tr>
<td>12,000</td>
<td></td>
<td>1,195</td>
</tr>
<tr>
<td>13,000</td>
<td></td>
<td>1,261</td>
</tr>
<tr>
<td>14,000</td>
<td></td>
<td>1,327</td>
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<td>15,000</td>
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<td>1,394</td>
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<tr>
<td>16,000</td>
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<td>1,455</td>
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<tr>
<td>17,000</td>
<td></td>
<td>1,519</td>
</tr>
<tr>
<td>18,000</td>
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<td>1,583</td>
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<tr>
<td>19,000</td>
<td></td>
<td>1,647</td>
</tr>
<tr>
<td>20,000</td>
<td></td>
<td>1,711</td>
</tr>
<tr>
<td>21,000</td>
<td></td>
<td>1,775</td>
</tr>
</tbody>
</table>

Army National Guard:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000</td>
<td></td>
<td>1,650</td>
</tr>
<tr>
<td>22,000</td>
<td></td>
<td>1,775</td>
</tr>
<tr>
<td>24,000</td>
<td></td>
<td>1,900</td>
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<td>26,000</td>
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<td>1,945</td>
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<td>1,980</td>
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<td>32,000</td>
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<td>34,000</td>
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<td>2,085</td>
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<td>38,000</td>
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<td>2,190</td>
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<tr>
<td>42,000</td>
<td></td>
<td>2,225</td>
</tr>
</tbody>
</table>

Naval Reserve:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td></td>
<td>340</td>
</tr>
<tr>
<td>11,000</td>
<td></td>
<td>364</td>
</tr>
<tr>
<td>12,000</td>
<td></td>
<td>386</td>
</tr>
<tr>
<td>13,000</td>
<td></td>
<td>407</td>
</tr>
<tr>
<td>14,000</td>
<td></td>
<td>423</td>
</tr>
<tr>
<td>15,000</td>
<td></td>
<td>435</td>
</tr>
<tr>
<td>16,000</td>
<td></td>
<td>447</td>
</tr>
<tr>
<td>17,000</td>
<td></td>
<td>459</td>
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<td>18,000</td>
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<td>471</td>
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<td>19,000</td>
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<td>483</td>
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<td>20,000</td>
<td></td>
<td>495</td>
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<td>21,000</td>
<td></td>
<td>507</td>
</tr>
<tr>
<td>22,000</td>
<td></td>
<td>519</td>
</tr>
<tr>
<td>23,000</td>
<td></td>
<td>531</td>
</tr>
<tr>
<td>24,000</td>
<td></td>
<td>540</td>
</tr>
</tbody>
</table>

Marine Corps Reserve:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,100</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>1,200</td>
<td></td>
<td>55</td>
</tr>
<tr>
<td>1,300</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>1,400</td>
<td></td>
<td>65</td>
</tr>
<tr>
<td>1,500</td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>1,600</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>1,700</td>
<td></td>
<td>80</td>
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<tr>
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</tbody>
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Air Force Reserve:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
<td></td>
<td>75</td>
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<tr>
<td>1,000</td>
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<td>145</td>
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<tr>
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<tr>
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<td>840</td>
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</table>

Air National Guard:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of Members</th>
<th>Number of Members Who May Be Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000</td>
<td></td>
<td>1,020</td>
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<tr>
<td>6,000</td>
<td></td>
<td>1,070</td>
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<td>1,220</td>
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<tr>
<td>10,000</td>
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<td>1,270</td>
</tr>
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<td>11,000</td>
<td></td>
<td>1,320</td>
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<td>12,000</td>
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<td>1,370</td>
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<td>1,420</td>
</tr>
<tr>
<td>14,000</td>
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<td>1,470</td>
</tr>
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<td>15,000</td>
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<td>1,520</td>
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<td>16,000</td>
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<td>17,000</td>
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<td>1,620</td>
</tr>
<tr>
<td>18,000</td>
<td></td>
<td>1,670</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 shown in the first column of the table in subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportions as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADE.—Whenever the number of officers serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

“(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

“(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustments made.

“(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term ‘full-time reserve component duty’ has the meaning given in the term in section 12011(e) of this title.

“(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE COMPONENT END STRENGTHS FOR ANY FISCAL YEAR MAY BE INCREASED.

(a) INCREASE.—Section 115(c)(1) of title 10, United States Code, is amended by striking ‘‘1 percent’’ and inserting ‘‘2 percent’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING FUNERAL HONORS FUNCTIONS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.

“(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.''.

SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR FORCE OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the figures under the heading ‘‘Major’’ in the portion of the table relating to the Air Force and inserting the following:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Number of Officers</th>
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<tbody>
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<tr>
<td>E–7</td>
<td>10,727</td>
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<td>E–6</td>
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<td>E–5</td>
<td>12,460</td>
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<td>O–7</td>
<td>23,721</td>
</tr>
<tr>
<td>O–8</td>
<td>24,588</td>
</tr>
<tr>
<td>O–9</td>
<td>25,454</td>
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</tbody>
</table>

Title V—Military Personnel Policy

Subtitle A—General Personnel Management Authorities

SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND LIEUTENANT GENERAL OFFICER POSITIONS.

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of this title is amended by striking the section number for section 528.

SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.

(a) REPEAL OF REQUIREMENT FOR ONE YEAR OF ACTIVE DUTY IN A RESERVE GRADE.—Section 532(e) of title 10, United States Code, is repealed.

(b) MILITARY ACADEMY GRADUATES.—Section 453(b) of such title is amended to read as follows:

“(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component of one of the other armed forces in accordance with section 541 of this title.''.

Title VI—Other Matters

Subtitle C—OTHER MATTERS RELATING TO FUNERAL HONORS FUNCTIONS FOR FUNERALS OF VETERANS OF THE UNITED STATES

SEC. 621. Distinguished Graduates of officer commissioning programs other than service academies and ROTC

‘‘A person who is selected for an original appointment as a commissioned officer in the Army, Navy, Air Force, or Marine Corps as a result of satisfactory completion of an officer commissioning program other than the course of instruction at one of the service academies named in section 541 of this title or the Senior Reserve Officers’ Training Corps program and who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate (or the equivalent) shall be appointed as a regular officer.''

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,279,101,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

Title VII—Military Personnel Policy

Subtitle A—General Personnel Management Authorities

SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND LIEUTENANT GENERAL OFFICER POSITIONS.

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the section number for section 528.

SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.

(a) REPEAL OF REQUIREMENT FOR ONE YEAR OF ACTIVE DUTY IN A RESERVE GRADE.—Section 532(e) of title 10, United States Code, is repealed.

(b) MILITARY ACADEMY GRADUATES.—Section 453(b) of such title is amended to read as follows:

“(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component of one of the other armed forces in accordance with section 541 of this title.''.

(c) NAVAL ACADEMY GRADUATES.—Section 6967 of such title is amended—

(1) by inserting ‘‘(a)’’ before ‘‘Under regulations’’;

(2) by adding at the end the following:

“(b) A midshipman who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the naval service as may be prescribed by the Secretary of the Navy shall, upon graduation, be appointed an ensign in the Regular Navy or a second lieutenant in the Regular Marine Corps under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.’’.

(d) AIR FORCE ACADEMY GRADUATES.—Section 933(b) of such title is amended to read as follows:

“(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Air Force as may be prescribed by the Secretary of the Air Force shall, upon graduation, be appointed a second lieutenant in the Regular Air Force under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.’’.

(e) ROTC Distinguished Graduates.—Section 2106(a) of such title is amended by adding at the end the following: ‘‘However, a member of the program selected for an appointment under this section who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate (or the equivalent) shall be appointed as a regular officer.’’

(f) Other Commissioning Programs.—(1) Chapter 33 of such title is amended by adding at the end the following new section:

‘‘542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC

‘‘A person who is selected for an original appointment as a commissioned officer in the Army, Navy, Air Force, or Marine Corps as a result of satisfactory completion of an officer commissioning program other than the course of instruction at one of the service academies named in section 541 of this title or the Senior Reserve Officers' Training Corps program and who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate of that program (or the equivalent) shall be appointed as a regular officer.'’

The amendments made by this section are repealed by section 551 of such title.
amended by striking

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

(a) A deferral of retirement or separation under subsection (a) shall extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.

506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT.

Section 12305 Stop-Loss Authority.

(a) Section 12305 stop-loss authority.

(b) Effective date.

The amendments made by subsection (a) shall apply with respect to members separated under section 1203 or 1206 of title 10, United States Code, on or after the date of the enactment of this Act.

507. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.

508. OFFICIALS OF THE UNITED STATES NAVY BAND.

(a)Detail and grade.

(b) Clerical amendment.

The item relating to section 6221 in the table of sections at the beginning of chapter 565 of such title is amended to read as follows: “6221. United States Navy Band; officer in charge.”

509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR CERTAIN FORCE MANAGEMENT ACTS.

(a) Early Retirement Authority for Active Force Members.

(b) Selective Early Retirement Boards.

(c) Clerical amendment.

The item relating to section 638(a) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

510. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“(6)(A) When the needs of the service require, the Secretary of the military department concerned may reduce to eighteen months the period of service in grade applicable for purposes of paragraph (1)(B) in the case of officers who are serving in a position that is authorized for officers in the grade of captain or, in the case of the Navy, lieutenant.

(B) If the Secretary of the military department concerned uses the authority provided in subparagraph (A), the number of officers or, in the case of the Navy, lieutenants on the initial list may be reduced provided the number of positions for which officers in that grade are authorized by more than one percent.

(C) The authority under subparagraph (A) and the limitation under subparagraph (B) expire on September 30, 2005.”

506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT.

(a) Section 12305 Stop-Loss Authority.

(b) Continued eligibility for consideration for promotion of officers who have previously failed of selection.

(c) Certain officers not to be considered.

(d) Technical amendment.

507. INCREASE IN SENIOR ENLISTED ACTIVE DUTY GRADE LIMIT FOR NAVY, MARINE CORPS, AND AIR FORCE.

(a) Members in pay grade E-8—Section 577(a) of title 10, United States Code, is amended by striking “2 percent (or, in the case of the Army, 2.5 percent)” and inserting “2.5 percent.”

(b) Effective date.

The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

508. OFFICIALS OF THE UNITED STATES NAVY BAND.

(a) Detail and grade.

(b) Clerical amendment.

The item relating to section 6221 in the table of sections at the beginning of chapter 565 of such title is amended to read as follows: “6221. United States Navy Band; officer in charge.”

509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR CERTAIN FORCE MANAGEMENT ACTS.

(a) Early Retirement Authority for Active Force Members.

(b) Selective Early Retirement Boards.

(c) Clerical amendment.

The item relating to section 638(a) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

510. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.

505. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND JUNIOR GRADE.

(a) AUTHORITY.

Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: “; or, such shorter period as may be in effect under paragraph (6);” and

(2) by adding at the end the following new paragraph:

“619. United States Navy Band; officer in charge.”

511. PERSONNEL ACTIONS FOR CERTAIN OFFICERS NOT TO BE CONSIDERED.

512. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL OBSERVATION AND THAT SUCH HOSPITALIZATION OR MEDICAL OBSERVATION CANNOT

be completed with confidence in a manner consistent with the member’s well being before the date on which the officer would otherwise be required to retire or be separated under the provisions of this title, may defer the retirement or separation of the officer under this title.
striking “December 31, 2001” and inserting “December 31, 2002”.

SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) CLARIFICATION.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

“(D) on active duty under section 12301(d) of this title (but not under 12301(d)(1)(C) or (D)), or who is serving on or after October 1, 1996, in or above the promotion zone and continued placement on the reserve active-status list:”.  

(b) RETROACTIVE APPLICATION.—(1) The Secretary of the military department concerned specifies a period of three years or less and continuing placement under this chapter by a selection board convening under section 14101(a) of this title, other than as provided under section 1481(a)(2)(D) of title 10, United States Code, as amended by subsection (a).

(2) By redesignating paragraphs (3) and (4) as paragraphs (4) and (5) and inserting “as provided under subsection (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continuing placement under this chapter by a selection board convening under section 14101(a) of this title, other than as provided under section 1481(a)(2)(D) of title 10, United States Code, as amended by subsection (a).”.

SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL SELECTION BOARDS.

(a) SPECIAL SELECTION BOARD FOR BELOW-THE-ZONE PROFESSIONALS.—Section 641(1)(D) of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “from in or above the promotion zone”;

(2) in subsection (a)(3), by inserting “for selection from promotion in from or above the promotion zone” after “for consideration”; and

(3) in subsection (b)(1), by striking “from in or above the promotion zone”.

(b) TECHNICAL AMENDMENT.—Subsection (b)(1) of such section is amended by striking “under regulations prescribed by the Secretary concerned” and inserting “by a selection board convening under section 14101(a) of this title”.

(c) REPEAL.—The provisions made by subsection (a) shall apply to any Reserve officer who was not considered for promotion because of administrative error, or was considered for promotion but not selected because of material error, under part III of title 10, United States Code, on or after October 1, 1996.

SEC. 513. EXPANDED EXPEDITED BREVET DEGREE REQUIREMENT FOR APPOINTMENT OF RESERVE OFFICERS TO OTHER-THAN-REGULAR SERVICE.

Section 12206(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) The appointment to a grade in the Army Reserve of a person whose original appointment to the Army Reserve was through the Officer Candidate School program and who immediately before that original appointment was an enlisted member on active duty.”

SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN RESERVE COMPONENT MEMBERS.

(a) MEDICAL AND DENTAL CARE.—Sections 1074(a)(3) and 1076(a)(2)(C) of title 10, United States Code, are each amended by striking “, if the” and all that follows through “member’s residence”.

(b) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—Section 12902(c)(3) of title 10, United States Code, is each amended by striking “, if the” and all that follows through “member’s residence”.

(c) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by striking “, if the” and all that follows through “member’s residence”.

(d) PAY.—Sections 204(g)(1)(D), 206(h)(1)(D), and 206(a)(3)(C) of title 37, United States Code, are each amended by striking “, if the” and all that follows through “member’s residence”.

SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE COMPONENT OFFICERS WITH A NONSERVICE CONNECTED DISABILITY.

Section 137(d)(3)(B) of title 10, United States Code, is amended to read as follows:

“(B) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in grade may be credited with time-in-grade for purposes of this section if the date of his or her discharge or retirement due to a disability occurs on or after the date on which the person was placed on the reserve active-status list:”.

SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DEPLOYED FOR PURPOSES OF PERSONNEL TEMPO MANAGEMENT.

Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “active” before “service”; and

(B) by adding at the end the following:

“For the purposes of calculating the number of deployed Reserve members for purposes of personnel tempo management, the following may be treated as deployed:”.

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5) respectively; and

(3) by redesignating paragraph (3) as redesignated paragraph (4) by adding “in paragraphs (1) and (2)” before “and inserting”.  

SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RESERVE AND GUARD MEMBERS TO BE TREATED AS INACTIVE-DUTY TRAINING FOR CERTAIN PURPOSES.

(a) RESERVE MEMBERS.—Section 12503(a) of title 10, United States Code, is amended by adding at the end the following new sentence: “Performance of funeral honors duty by a Reserve not on active duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”.

(b) NATIONAL GUARD MEMBERS.—Section 112(a) of title 37, United States Code, is amended by adding at the end the following new sentence: “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to funeral honors duty performed on or after October 30, 2000.

SEC. 518. MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS DUTY WHILE IN NON-FEDERAL STATUS.

Section 1461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A member of the Army National Guard of the United States who serves as a member of a funeral honors detail while in a duty status authorized under State law shall be considered to be a member of the armed forces for the purposes of the first sentence of paragraph (2).”.

SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS DUTY BY RESERVE MEMBERS AND NATIONAL GUARDSMEN.

Section 6232(a)(1) of title 5, United States Code, is amended by inserting “funeral honors duty” (as described in section 12503 of title 10, United States Code) as defined in section 101 of title 37,” before “(as defined in title 37),”.

SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 501 of title 32, United States Code, is amended by adding at the end the following new subsection:

“SUBJECT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition as long as:

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 506(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).

“(B) National Guard personnel participating in a qualifying athletic competition or a small arms competition is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under section (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendees of national guard meetings, fees, travel, per diem, clothing, equipment, and related expenses.”
"(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c)."

"(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ‘‘AUTHORIZED ACTIVITIES.—’’ after ‘‘(a);’’ and

(2) by inserting ‘‘AUTHORIZED LOCATIONS.—’’ after ‘‘(b).’’

SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES.

(a) AUTHORITY.—In accordance with section 664(i) of title 10, United States Code, as amended by section 522, the Secretary of Defense may award joint service credit to any officer who served in or is determined to have served in a United States joint task force headquarters in an operation and during the period set forth in subsection (b) that meets the criteria specified in such section. To determine which officers qualify for such retroactive credit, the Secretary shall undertake a case-by-case review of the records of officers.

(b) ELIGIBLE OPERATIONS.—Service in the following operations, during the specified periods, may be counted for credit under subsection (a):

(1) Operation Northern Watch, during the period beginning on August 1, 1992, and ending on a date to be determined.

(2) Operation Southern Watch, during the period beginning on June 26, 1993, and ending on February 28, 1999.

(3) Operation Joint Endeavor, during the period beginning in December 25, 1995, and ending on December 19, 1996.

(4) Operation Joint Guard, during the period beginning on December 20, 1998, and ending on June 20, 1999.


(8) Operation Joint Guardian, beginning on June 11, 1999, and ending on a date to be determined.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit in accordance with this section.

SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ‘‘(A)’’ after ‘‘(1);’’ and

(B) by adding at the end the following new subparagraph:

‘‘(F) Service in a temporary joint task force not involved in combat or combat-related operations may not be credited for the purposes of joint duty, unless, and only if—

(i) the service of the officer and the nature of the joint task force not only meet all criteria of this section, except subparagraph (E), but also any additional criteria the Secretary may establish;

(ii) the Secretary has specifically approved the operation conducted by the joint task force as one that qualifies for joint service credit, and notifies Congress upon each approval, providing the criteria that led to that approval; and

(iii) the operation is conducted by the joint task force in an extremely fragile state of peace and high potential for hostilities coexist.’’.

SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPECIALTY BEFORE PROMOTION TO GENERAL OR FLAG OFFICER GRADE.

(a) REQUIREMENT.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ‘‘unless’’ and all that follows and inserting—

‘‘(1) the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title); and

(2) for appointments after September 30, 2007, the officer has been selected for the joint specialty in accordance with section 661 of this title.’’.

(b) WAIVER AUTHORITY.—Subsection (b) of that section is amended by striking ‘‘may waive subsection (a) in the following circumstances:’’ and inserting ‘‘may waive paragraphs (1) or (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances (except that paragraph (2) of subsection (a) may not be waived by reason of paragraph (4)):’’.

(c) PROPOSED LEGISLATIVE CHANGES.—Not later than December 1, 2002, the Secretary of Defense shall submit to the Senate a proposal for such legislative changes as the Secretary considers needed to implement the amendment made by subsections (a) and (b).

SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND PERSONNEL PROFESSIONAL MILITARY EDUCATION REFORM.

(a) STUDY.—The Secretary of Defense shall provide for an independent study of the joint officer management system and the joint professional military education system. The Secretary shall ensure that the entity conducting the study is provided such information and support as required. The Secretary shall include in the contract for the study a requirement that the entity conducting the study submit a report to Congress on the study not later than June 30, 2002.

(b) MATTERS TO BE INCLUDED WITH RECOMMENDATIONS.—(1) The Secretary of Defense shall provide for an independent study of the joint officer management system, the entity conducting the independent study shall provide for the following:

(A) Assessment of implications for joint oficer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense;

(B) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers.

With respect to the joint officer management system, the entity conducting the independent study shall provide for the following:

(A) Assessment of implications for joint officer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense;

(B) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers.

(c) RECOMMENDATIONS.—Based on empirical and other data, to improve the effectiveness of the joint officer management system, especially with regard to the following—

(A) The proper mix and sequencing of education assignments and experience assignments (to include, with respect to both types of assignments, consideration of the type and quality, and the length, of such assignments) to qualify an officer as a joint specialty officer, as well as the feasibility of adopting a variable joint duty tour length and the advisability and implications of a system of qualifying officers as joint specialty officers that allows for the promotion to joint specialty status by promotion to general or flag officer grade on the basis of a combination of qualification and performance that would result from extending the length of the joint duty tour to the length of a joint duty tour; and

(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title;’’; and

(6) in paragraph (16), by striking ‘‘section 664(i)’’ in the matter preceding subparagraph (A) and in subparagraph (B) and inserting ‘‘subparagraphs (E) and (F) of section 664(i)’’.

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regard to establishing and maintaining over-
man of the Joint Chiefs of Staff, and joint
roles of the Secretary of Defense, the Chair-
independent study shall
With respect to the roles of the Secretary of
education might be properly accredited and overseen to
joint professional military education sources
play in future joint professional military
service experience and what role non-resi-
Education programs.
provide officers the required joint specialty
qualified as joint specialty officers without
after completing that assignment, and (C)
their first joint duty assignment, (B) quali-
from the annual appropriation
officers of a minimum number of critical bil-
ments support for components of the Na-
ments relevant to national security to receive
civilian employees receiving instruction at the National De-
(3) As general agent for funding profes-
schools and concentrates on national
section is not readily available through
military education program in which private
in providing to the Department of Defense or
employees may be enrolled under this section.
Section 2165 of title 10, United States Code, as amended
shall become effective beginning with fis-

SEC. 525. PROFESSIONAL DEVELOPMENT EDU-
CATION.
(a) EXECUTIVE AGENT FOR FUNDING.—(1) Ef-
fective beginning with fiscal year 2003, the Secretary of Defense
shall be the executive agent for funding professional development
education programs at the Joint Forces Staff College, the
National Defense University, including the
Joint Forces Staff College. The
Secretary may not delegate the Secretary’s
functions and responsibilities under the pre-
ceding sentence to the Secretary of a mili-
tary department.
(2) Nothing in this subsection affects poli-
cies in effect on the date of the enactment of this Act with respect to—
(A) the reporting of the President of the National Defense University to the
Chairman of the Joint Chiefs of Staff; or
(B) provision of logistical and base oper-
ations support for components of the Na-
tional Defense University by the military de-
partments.
(b) PREPARATION OF BUDGET REQUESTS.—Section 2162(b) of title 10, United States
Code, is amended—
(1) by redesignating paragraph (2) as para-
graph (3); and
(2) by inserting after paragraph (1) the fol-
lowing new paragraph:
“(2) As executive agent for funding profes-
sional development education at the Na-
tional Defense University, including the
Joint Forces Staff College, the Secretary of
Defense, with the advice of the Chairman of
the Joint Chiefs of Staff, shall prepare the
annual budget for professional development
education operations at the National Defense
University and set forth that request as a
separate budget request in the materials sub-
mitted to Congress in support of the budget
request for the Department of Defense. Noth-
ing in the preceding sentence affects policies in effect on the date of the enactment of this
paragraph with respect to the funding of logistical and base operations sup-
port for components of the National Defense University through the military depart-
ments.”
(c) ANNUAL CERTIFICATION BY SECRETARY
OF DEFENSE.—The Secretary of Defense determines, and cer-
tifies to the Committee on Armed Services
of the Senate and the Committee on Armed
Services of the House of Representatives,
that providing instruction to private
sector employees under this section during that
year will further national security interests of the United States;
(d) PROGRAM REQUIREMENTS.—The Sec-
retary of Defense shall ensure that—
“(1) the curriculum for the professional
military education program in which private
sector employees may be enrolled under this
section is not readily available through
other schools and concentrates on national
security relevant issues; and
“(2) the course offerings at the National Defense University continue to be deter-
mined solely by the needs of the Department
of Defense.”
(e) TUITION.—The President of the Na-
tional Defense University shall charge stu-
dents enrolled under this section a rate
that is at least equal to the
employment of employees of the United States outside the
Department of Defense, less infrastructure
costs, and
“(2) that considers the value to the school and
course of the private sector student.
“(2) STANDARDS OF CONDUCT.—While receiv-
ing instruction at the National Defense Uni-
versity, students enrolled under this section
shall conform to the same regulations governing academic per-
formance, attendance, norms of behavior,
and standards of conduct as applicable to Government ci-
villian employees receiving instruction at the university.
“(2) USE OF FUNDS.—Amounts received by the National Defense University from the
enrollment of students enrolled under this section shall be retained by the university to defray

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Amounts received by the National Defense University from the enrollment of students enrolled under this section shall be retained by the university to defray
the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the university.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7216. National Defense University; admission of some or all of the students to the courses of study of the university.”

SEC. 529. CONTINUATION OF RESERVE COMPONENT JUNIOR MILITARY EDUCATION TEST.

(a) Continuation of Concept Validation Test.—During fiscal year 2002, the Secretary of Defense shall continue the concept validation test of Reserve component joint junior military education that was begun in fiscal year 2001 at the National Defense University.

(b) Pilot Program.—If the Secretary of Defense determines that the results of the concept validation test referred to in subsection (a) indicate that conducting a pilot program of the concept that was the subject of the test, the Secretary shall conduct such a pilot program during fiscal year 2003.

(c) The Secretary shall provide funds for the concept validation test under subsection (a) and for any pilot program under subsection (b) from funds appropriated to the to the Secretary in addition those appropriated for operations of the National Defense University.

Subtitle D—Military Education and Training

SEC. 531. DEFENSE LANGUAGE INSTITUTE FOR FOREIGN LANGUAGE CENTER.

(a) Authority To Confer Associate of Arts Degree.—Chapter 108 of title 10, United States Code, is amended by adding after section 2167, as added by section 528(a)(1), the following new section:

“(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.

“(b) A degree may be conferred upon a student under this section only if the Provost of the Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

“(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.”

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 7216, as added by section 528(a)(2), the following new item:

“7218. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.”

SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) Marine Corps War College Degree.—Section 7022 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) Marine Corps War College.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.”

(b) Conforming Amendments.—(1) Subsection (a) of such section is amended by striking “university and” and all that follows and inserting “university and Commandant and Staff College who fulfill the requirements for that degree.”

(2) Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking “subsection (a)” and inserting “subsection (a) and (b)”.

(c) The enacting clause of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(B) by striking paragraph (3).

SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS AUTHORIZED TO BE ADMITTED TO THE SERVICE ACADEMIES.

(a) United States Military Academy.—(1) Subsection (a)(1) of section 3494 of title 10, United States Code, is amended by striking “40 persons” and inserting “60 persons”.

(2) Subsection (b) of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Naval Academy to receive instruction under section 8957 of title 10, United States Code, before the date of the enactment of this Act.

(b) United States Air Force Academy.—(1) Subsection (a) of section 4344 of title 10, United States Code, is amended by striking “40 persons” and inserting “60 persons”.

(2) Subsection (b) of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(b) Retroactive Application.—The authority of the Secretary of Defense under

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section 210a(b)(3) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in subsection (b)(1)(F) (including agreements related to participation in the Advanced Course of the Army Reserve Officers' Training Corps at a military college or civilian institution) entered into during the period beginning January 1, 1991 and ending on July 12, 2000.

(c) TECHNICAL AMENDMENT.—Subsection (h) of such section is amended by striking “military junior college”.

SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTORING EDUCATIONAL INSTITUTIONS TO THE SENIOR RESERVE OFFICERS' TRAINING PROGRAMS Section 213a(a) of title 10, United States Code, is amended by striking “military junior college” in the second sentence and inserting “military junior college”.

SEC. 539. RESTRICTION ON NUMBER OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS (JROTC) UNITS Section 2631(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 540. RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM EXPANSION

(a) PURPOSE OF PROGRAM.—Subsection (a) of section 16201 of title 10, United States Code, is amended—

(1) by striking “specialties critically needed in wartime”;

(2) by striking “military and dental student stipend” and inserting “training in certain health care specialties”; and

(3) by striking “in certain health care specialties” and inserting “health care training”. 

(b) MEDICAL AND DENTAL STUDENT STIPEND.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) MEDICAL AND DENTAL STIPEND.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), and (f), respectively;

(2) by striking ‘‘denial of critical skills’’ and inserting ‘‘training in certain health care specialties’’; and

(3) by striking ‘‘critical skills needed by the military department in wartime, for which the stipend was provided while enrolled in medical or dental school.’’.

SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO CERTAIN JEWISH AND HISPANIC AMERICAN AND HISPANIC AMERICAN AND HISPANIC AMERICAN WAR VETERANS

(a) AUTHORITY.—The second sentence of section 337 of title 10, United States Code, is amended to read as follows: ‘‘Notwithstanding any other provision of law, the chaplain is entitled to the same basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind.’’

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

Subtitle E—Decorations, Awards, and Commendations

SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO CERTAIN JEWISH AND HISPANIC AMERICAN WAR VETERANS

(a) WAIVER OF TIME LIMITATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3744 of title 10, United States Code for the acts of valor referred to in subsection (a).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner-of-war by the Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AND HISPANIC AMERICAN AND HISPANIC AMERICAN WAR VETERANS

(a) REVIEW REQUIREMENT.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN AND HISPANIC AMERICAN AND HISPANIC AMERICAN WAR VETERANS.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act.

(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATION.—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 or the Hispanic American veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 3744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(g) DEFINITION.—For purposes of this section, the term “Jewish American war veteran” means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF HONOR

(a) AUTHORITY.—A Medal of Honor may be issued to create a duplicate medal in the name of—

(1) a Medal of Honor recipient honored posthumously who died during World War II or a later period of war; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(1) section 3744, 6248, or 3744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(2) Under the agreement

(1) by striking “WARTIME” after “CRITICAL” in the heading; and

(2) by inserting “or has been appointed as a medical or dental officer in the Reserve of the armed force concerned” in paragraph (1)(B) before the semicolon at the end.

(d) SERVICE OBLIGATION REQUIREMENT.—Paragraph (2)(D) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as redesignated by paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1))) are amended by striking “two years in the Ready Reserve for each year,” and inserting “one year in the Ready Reserve for each six months.”.

(e) CROSS-REFERENCE.—Paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as redesignated by paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1))) are amended by inserting “and inserting “subsection (f)”.

SEC. 540. HAUSING ALLOWANCE FOR THE CHAPLAIN MAJORS OF THE UNITED STATES MILITARY ACADEMY

(a) AUTHORITY.—The second sentence of section 337 of title 10, United States Code, is amended to read as follows: “Notwithstanding any other provision of law, the chaplain is entitled to the same basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.
of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only."

(2) The tables of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6256. Medal of honor: duplicate medal."

(c) ARMY.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6256. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only."

(2) The tables of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6256. Medal of honor: duplicate medal."

(d) COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 503 the following new section:

"§ 503. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Navy may determine, as a duplicate or for display purposes only."

(2) The tables of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Korea Defense Service Medal."

SEC. 546. KOREA DEFENSE SERVICE MEDAL.

(a) ARMY.—Chapter 357 of title 10, United States Code, as amended by section 549(a)(1), is further amended by adding at the end the following new section:


"(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

(b) In this section, the term ‘KDSM eligibility period’ means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that award of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act.
"(A) in the case of a person who served on active duty during the Cold War as an enlisted member, that the person has completed that person's initial term of enlistment and after the end of that initial term of enlistment has reenlisted for an additional term of enlistment or have been appointed as an officer; and

"(B) in the case of a person who served on active duty during the Cold War as an officer, that the person have completed that person's initial service obligation as an officer and after the end of that initial term of service obligation.

"(3) The Secretary concerned, under regulations prescribed under this section, may waive the service requirements of paragraph (2) in any of the following cases:

(a) in the case of any person discharged or released from active duty for a disability incurred or aggravated in line of duty,

(b) in the case of any person discharged for hardship under section 1173 of this title; and

(c) under any other circumstance for which the Secretary determines that such a waiver is warranted.

"(c) AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person who is eligible for the Cold War service medal dies before being issued that medal, the medal may, upon application of the person's representative, as designated as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed under this section are uniform so far as is practicable.

"(g) COLD WAR DEFINED.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.

SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL FOR PARTICIPATION IN FREQUENT WIND TO VIETNAM SERVICE MEDAL.

(a) In General.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) By Decision of Vietnam Veterans.—For purposes of this section, the term ‘eligible Vietnam evacuation veteran’ means a member or former member of the Armed Forces who was assigned to whom it was assigned to participate in Operation Frequent Wind.

SEC. 549. SENSE OF CONGRESS ON NEW MEDAL TO RECOGNIZE CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED AS A RESULT OF HOSTILE ACTION

(a) FINDINGS.—Congress makes the following findings:

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) No decoration exists for the recognition of civilians killed or wounded as a result of hostile action and at the same time, due to the time required to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should move expeditiously to produce and award the new medal referred to in subsection (b); and

(2) should develop a more comprehensive, uniform policy of decorations to military and civilian personnel of the Department of Defense.

Subtitle F—Matters Relating to Voting

SEC. 551. VOTING ASSESSMENTS AND ASSISTANCE TO ENLISTED AND OVERSEAS公民 Absentee Voting Act.

(a) In General.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"1566. Voting assistance: compliance assessments and assistance

"(a) INSPECTOR GENERAL ASSESSMENTS.—(1) The Department of Defense Inspector General shall conduct annual assessments of the Federal Voting Assistance Program and, if so, the length of time that such materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location.

(b) The Secretary of Defense shall ensure that voting materials are transmitted and processed timely by military postal services at all times.

(c) In this section, the term ‘general Federal election month’ means November in an even-numbered year.

SEC. 552. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall carry out a demonstration project to conduct Federal elections by absent uniformed services voters through a long-distance electronic voting system. The demonstration project shall be conducted biweekly.

(b) SCOPE OF PROJECT.—The Secretary shall determine the scope of the demonstration project under this section, including the
absent uniformed services voters authorized to participate in the project. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

(c) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

(d) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit to Congress a report analyzing the demonstration project conducted under this section. The Secretary shall include in the report the recommendations the Secretary considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election season for Federal office.

(e) ABSENT UNIFORMED SERVICES VOTER DEFINED.—In this section, the term “absent uniformed services voter” has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-5). The term has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-5).

(f) STATE DEFINED.—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Subtitle G—Matters Relating to Military Spouses and Family Members

SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE TO MILITARY SPOUSES FOR JOB TRAINING AND EDUCATION.

(a) EXAMINATION OF EXISTING EMPLOYMENT ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall examine existing Department of Defense and other Federal, State, and non-governmental programs with the objective of improving retention of military personnel by increasing employability of military spouses and assisting those spouses in gaining access to financial and other assistance for job training and education.

(2) In conducting the examination, the Secretary shall give priority to facilitating and increasing access of military spouses to existing Department of Defense, Federal, State, and non-governmental programs that address the needs of military spouses for one or more of the purposes set forth in paragraph (1), but shall also specifically assess whether the Department of Defense should establish programs for direct financial assistance to military spouses for some or all of those purposes and analyze whether such a program of direct financial assistance would enhance retention.

(3) In conducting the examination pursuant to paragraph (1), the Secretary should focus on financial assistance for military spouses for one or more of the following purposes:

(A) Career-related education.

(B) Certification and license fees for employment-related purposes.

(C) Apprenticeships and internships.

(D) Technical training.

(E) Training to improve job skills.

(F) Career counseling.

(G) Skills assessment.

(H) Job-search skills.

(I) Job-related transportation.

(J) Child care.

(K) Any additional employment-related purpose specified by the Secretary for the purposes of the examination under paragraph (1).

(4) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under paragraph (1).

(b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—(1) The Secretary of Defense shall review Department of Defense policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities. The review shall include the consideration of providing, to the extent authorized in law, job training opportunities at Department of Defense locations for employment by appropriated and non-appropriated fund operations.

(2) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under paragraph (1).

(c) SPOUSE EMPLOYMENT.—Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) SPACE-AVAILABLE USE OF FACILITIES FOR THE ARMED FORCES ACCOMPANYING WIFE.—(1) The Secretary of Defense, in order to determine the effectiveness of Department of Defense facilities in providing employment opportunities for spouses of members of the armed forces and in providing improved portability for such spouses, shall conduct surveys of the armed forces accompanying the spouses of members of a change of permanent duty station of the Armed Forces or any other reason to a new area because of a change of permanent duty station of the member and their spouses. The Secretary of Defense shall seek to develop partnerships with organizations and agencies to maximize the potential for increased employment opportunities for military spouses, especially in the case of the spouse of a member to a new geographical area because of a change of permanent duty station of the member; and

“(2) The table of sections at the beginning of this chapter is amended by adding at the end the following new section:

“2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.

“(a) In General.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

“(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act is later.

SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Subsection (h)(1) of section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-398; 113 Stat. 1336; 10 U.S.C. 1562 note) is amended—

(1) by inserting “who is a member of the Armed Forces or civilian officer or employee of the United States” after “Each member of the task force”; and

(2) by striking “, but shall” and all that follows and inserting a period; and

(b) EXTENSION OF TERM.—Section 591(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.”

SEC. 566. REQUIREMENT THAT COURTS-MARTIAL CONSIST OF NOT LESS THAN 12 MEMBERS IN CAPITAL CASES.

(a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN CAPITAL CASES.—Section 1291 of title 10, United States Code (article 16(1)(A) of the Uniform Code of Military Justice) is amended by inserting after “five
members” the following: “or, in a case in which the accused may be sentenced to a penalty of death, the number of members determined under section 825a of this title (article 25a)”.

(b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

“§ 825a. Art. 25a. Number of members in capital cases.

“(a) In a case in which the accused may be sentenced to a penalty of death, the number of members shall be not less than 12, unless 12 members are not reasonably available because of physical conditions or military exigencies, in which case the convening authority shall specify a lesser number of members not less than five, and the court may be assembled and the trial held with not less than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.”.

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after section 825 (article 25) the following new item:

“825a. 25a. Number of members in capital cases.”.

(c) ABSENT AND ADDITIONAL MEMBERS.—Section 572 of the Uniform Code of Military Justice is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by inserting “five members” both places it appears and inserting “the applicable minimum number of members”: and

(3) by adding at the end the following new paragraph:

“(2) In this section, the term ‘applicable minimum number of members’ means five members or, in a case in which the death penalty may be imposed, the number of members determined under section 825a of this title (article 25a).”.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to offenses committed after the enactment of this Act.

SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

“§ 825a. Art. 25a. Right of accused to request sentencing by military judge rather than by members.

“(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried by the military judge rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced and deliberated, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried by a military judge rather than by the members.

“(b) This section shall not apply with respect to an offense for which the death penalty may be imposed, unless the case has been previously referred to trial as a noncapital case.”.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 825 (article 25) the following new item:

“825a. 25a. Right of accused to request sentencing by military judge rather than by members.”.

(b) EFFECTIVE DATE.—Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed after the date of the enactment of this Act.

SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULATIONS FOR DELIVERY OF NATIONAL GUARD CHALLENGE COINS TO MILITARY AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES.

(a) CODIFIED PROVISIONS.—Section 814 of title 10, United States Code (article 14 of the Uniform Code of Military Justice), is amended by adding at the end the following new paragraph:

“(c) The Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

“(1) provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused of wrongful use of a federal offense or of a federal offense in any other jurisdiction, in an exercise of the authority contained in section 852 (article 52) the following new item:

“852a. 52a. Right of accused to request sentencing by military judge rather than by members.”.

(b) REPEAL OF CODIFIED PROVISIONS.—Section 721 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 814 note), is repealed.

SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(2) the Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

“(1) provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused of wrongful use of a federal offense or of a federal offense in any other jurisdiction, in an exercise of the authority contained in section 852 (article 52) the following new item:

“852a. 52a. Right of accused to request sentencing by military judge rather than by members.”.

(b) REPEAL OF CODIFIED PROVISIONS.—Section 721 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 814 note), is repealed.

SEC. 575. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(2) the Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

“(1) provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused of wrongful use of a federal offense or of a federal offense in any other jurisdiction, in an exercise of the authority contained in section 852 (article 52) the following new item:

“852a. 52a. Right of accused to request sentencing by military judge rather than by members.”.

(b) REPEAL OF CODIFIED PROVISIONS.—Section 721 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 814 note), is repealed.

SEC. 576. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHaplains Corps to Ella E. Gibson.

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery Regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 49th Congress, approved March 3, 1869) previously provided for her to be paid the pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

SEC. 577. NATIONAL GUARD CHALLENGE PROGRAM.

(a) TERMINATION OF LIMITATION ON FEDERAL EXPENDITURES.—Subsection (b)(2)(A) of section 509 of title 32, United States Code, is amended by striking “in fiscal year 2002 and all that follows” and inserting “in fiscal year 2001 and 2002”.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (4), by striking “recruiting events” and inserting “recruiting functions”;

(2) in paragraph (5), by striking “recruiting events” and inserting “recruiting functions”. 

SEC. 584. CLARIFICATION OF MILITARY RECRUITER ACCESS TO SECONDARY SCHOOL DIRECTORY INFORMATION ABOUT STUDENTS.

(a) ACCESS TO DIRECTORY INFORMATION.—Section 563(c)(5) of title 10, United States Code, is amended by striking “purposes,” and all that follows and inserting the following—

“purposes—

“(A) the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students; and

“(B) the same access to directory information concerning those students as is provided to a post-secondary educational institution upon an indication by a secondary school student that the student seeks to enroll or intends to enroll at that institution.”.

(b) ENHANCED RECRUITER ACCESS.—Section 563(c)(5) of such title is amended by striking “do not apply to—” and all that follows through “(B)” and inserting “do not apply to—”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2002, immediately after the amendment to section 563(c)(5) of title 10, United States Code, is enacted into law by Public Law 106–398; 114 Stat. 1654–131.

SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMPTROLLER GENERAL REPORT RELATING TO ARMY END STRENGTH ALLOCATIONS.


SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHAPLAINS CORPS TO ELLA E. GIBSON FOR SERVICE AS CHAPLAIN OF THE FIRST WISCONSIN HEAVY ARTHILLARY REGIMENT DURING THE CIVIL WAR.

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery Regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 49th Congress, approved March 3, 1869) previously provided for her to be paid the pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.

(a) TERMINATION OF LIMITATION ON FEDERAL EXPENDITURES.—Subsection (b)(2)(A) of section 509 of title 32, United States Code, is amended by striking “in fiscal year 2002 and all that follows” and inserting “in fiscal year 2001 and 2002”.

(b) TECHNICAL AMENDMENTS.—Subsection (d) of such section is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) for fiscal years 2001 and 2002 10 percent of the costs of operating the State program during that fiscal year; and

“(2) for fiscal year 2003 and each subsequent fiscal year, 75 percent of the costs of operating the State program during that fiscal year.”.
October 17, 2001

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SEC. 588. PAYMENT OF FEBRIM Premiums FOR CERTAIN RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONFLICTING OPERATIONS.

(a) In General.—Subsection (e) of section 9806 of title 5, United States Code, is amended by adding at the end the following new paragraph: "(3)(A) An employing agency may pay both the employee and Government contributions, and all administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

(B) An employee referred to in subparagraph (A) is an employee who—

(i) is enrolled in a health benefits plan under this chapter;

(ii) is a member of a reserve component of the armed forces;

(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10); and

(iv) is placed on leave without pay or separated from service to perform active duty;

and

(v) serves on active duty for a period of more than 30 consecutive days.

(b) CONFORMING AMENDMENT.—The matter preceding paragraph (1) in section 3264 of title 10, United States Code, is amended by striking the following new paragraph: "(3)(A) An employing agency may pay both the employee and Government contributions, and all administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

(B) An employee referred to in subparagraph (A) is an employee who—

(i) is enrolled in a health benefits plan under this chapter;

(ii) is a member of a reserve component of the armed forces;

(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10); and

(iv) is placed on leave without pay or separated from service to perform active duty;

and

(v) serves on active duty for a period of more than 30 consecutive days.

(c) NOTWITHSTANDING THE ONE-YEAR LIMITATION ON THE FEE DESCRIBED IN PARAGRAPH (1) ABOVE, PAYMENT MAY BE MADE UNDER THIS PARAGRAPH FOR A PERIOD NOT TO EXCEED 18 MONTHS.

SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.

(a) IN GENERAL.—(1) Section 323 of title 10, United States Code, is amended by adding at the end the following new section: "§ 3264. 18-month enlistment pilot program

During the pilot program period, the Secretary of the Army shall carry out a pilot program with the objective of increasing participation of prior service persons in the Selective Reserve and providing assistance in building the pool of participants in the Individual Ready Reserve.

Under the program, the Secretary may, notwithstanding section 505(c) of this title, accept persons for original enlistment in the Army for a term of enlistment consisting of 18 months service on active duty, to be followed by three years of service in the Selective Reserve and then service in the Individual Ready Reserve to complete the military service obligation.

No more than 10,000 persons may be accepted for enlistment in the Army through the program under this section.

A person enlisting in the Army through the program shall be eligible for an enlistment bonus under section 309 of title 37, notwithstanding the enlistment time period specified in subsection (a) of that section.

For purposes of the program under this section, the pilot program period is the period beginning on October 1, 2003, and ending on December 31, 2007.

Not later than October 1, 2001, and December 31, 2007, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program under this section. In each such report the Secretary shall set forth the views of the Secretary on the success of the program in meeting the objectives stated in subsection (a) and whether the program should be continued, if so, whether it should be modified or expanded.

(b) IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary’s plan for implementation of section 3264 of title 10, United States Code, as added by subsection (a). Such report shall be submitted not later than March 1, 2002.

SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following—

"(2) The Secretary shall pay the allowance to the uniformed force in which the member serves.

(b) EXPANDED REPORT REGARDING MANAGEMENT OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(c)(4) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-138) is amended in the second sentence by striking paragraphs (1) and (2) and inserting the following paragraphs:

"(1) A discussion of the experience in tracking and recording the deployments of members of the Armed Forces and the payment of the per diem allowance for lengthy or numerous deployments in accordance with section 436 of title 37, United States Code;

"(2) Specific comments regarding the effect of section 991 of title 10, United States Code, and section 436 of title 37, United States Code, on the readiness of the Navy and Marine Corps in carrying out the intensive mission of these services; and

"(3) any recommendations for revision of section 991 of title 10, United States Code, or section 436 of title 37, United States Code, that the Secretary considers appropriate."

SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGES IN GROUND COMBAT EXCLUSION POLICY.

Section 542(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 108 Stat. 1191 note) is amended—

(1) in paragraph (1)—

(A) by striking "not less than 90 days"; and

(B) by adding at the end the following new sentence: "Except as provided in paragraph (2), a person who participates in a funeral honors detail who is determined by the Secretary to be appropriate as a civilian uniform for persons participating in a funeral honors detail shall be paid an allowance as provided in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

"(2) Articles of clothing covered by subparagraph (A) are not authorized to wear the uniform of any of the armed forces.

TITLe VI—COMpensation and other personnal 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
(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services shall not be made.

The Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

The rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.


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### Pay Grade 2 or less

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Years of service</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 5</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>Over 8</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>Over 9</td>
<td>$0.00</td>
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<td>$0.00</td>
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<td></td>
<td>Over 10</td>
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<td>$0.00</td>
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<tr>
<td></td>
<td>Over 11</td>
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<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>Over 12</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>Over 13</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

### WARRANT OFFICERS

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Years of service</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 5</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>$3,108.60</td>
<td>$3,198.00</td>
<td>$3,285.90</td>
<td>$3,437.10</td>
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</tr>
<tr>
<td>W-7</td>
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<td>$2,862.00</td>
<td>$2,862.00</td>
<td>$2,894.90</td>
<td>$3,017.40</td>
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</tr>
<tr>
<td>W-8</td>
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<td>$2,454.00</td>
<td>$2,563.80</td>
<td>$2,654.10</td>
<td>$2,756.40</td>
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</tr>
<tr>
<td>W-9</td>
<td>$2,049.90</td>
<td>$2,173.60</td>
<td>$2,330.10</td>
<td>$2,402.70</td>
<td>$2,511.90</td>
<td></td>
</tr>
</tbody>
</table>

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1. Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0-1 through 0-10 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 Commander of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 1009 of title 37, United States Code.

3. This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS**

Years of service computed under section 1005 of title 37, United States Code

**WARRANT OFFICERS**

Years of service computed under section 1005 of title 37, United States Code
### SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Section 203(d) of title 37, United States Code, is amended—

(1) by inserting “(3)” after “(d)”; and

(2) by striking “who is credited” and all that follows through “and enlisted member” and inserting “is described in paragraph (2)”;

and

(3) by adding at the end the following new paragraph:

“(2) Paragraph (1) applies with respect to a commissioned officer in pay grade O-1, O-2, or O-3 who—

“(A) is credited with a total of over four years’ active service as warrant officer or as a warrant officer and enlisted member; or

“(B) earned a total of more than 1,460 points credited under section 12732(a)(2) of title 37 while serving as a warrant officer or as an enlisted member for calendar year 2001 shall be deemed to be $233.”; and

(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence for enlisted members at a rate higher than the rate provided for in subsection (b) when messing facilities of the United States are not available for the members."

### SEC. 603. SUBSISTENCE ALLOWANCES.

(a) BASIC ALLOWANCE FOR SUBSISTENCE.—

Section 402a(b)(1) of title 37, United States Code, is amended by striking “with dependents” after “a member of the armed forces”.

### SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUSING WHILE BETWEEN PERMANENT DUTY STATIONS.

(a) REPEAL OF PAY GRADE LIMITATION.—

Section 403(i) of title 37, United States Code, is amended by striking “who is in a pay grade E-4 (4 or more years of service)”.

(b) EFFECTIVE DATE; APPLICATION.—

The amendments made by this section shall take effect on October 1, 2000.

### SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN MEMBERS ELECTING TO SERVE UNACCOMPANIED TOUR OF DUTY

(a) AVAILABILITY OF ALLOWANCE.—

Section 427(c) of title 37, United States Code, is amended—

(1) by striking “A member” in the first sentence and inserting “(1) Except as provided in paragraph (2) or (3), a member”;

(2) by redesigning the second sentence as paragraph (3); and

(3) by inserting after the first sentence the following new paragraph:

“(2) A member who elects to serve an unaccompanied tour of duty because the movement of a dependent of the member to the permanent station is denied for certified medical reasons is entitled to an allowance under subsection (a)(1)(A)”.

(b) EFFECTIVE DATE; APPLICATION.—

The amendments made by this section shall take effect on January 1, 2002. Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a), shall apply with respect to pay periods beginning on or after that date for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

### SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORIZATIONS FOR RESERVE FORCES

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—

Section 362(g)(1) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

#### Table: Pay Grades

<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>E-9</td>
<td>$0.00</td>
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<td>$0.00</td>
</tr>
<tr>
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<td>2,070.80</td>
<td>2,070.80</td>
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<td>E-7</td>
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<td>1,293.30</td>
<td>1,293.30</td>
<td>1,293.30</td>
<td>1,293.30</td>
</tr>
<tr>
<td>E-4</td>
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<td>1,105.50</td>
<td>1,105.50</td>
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<td>E-3</td>
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<td>720.00</td>
</tr>
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<td>640.00</td>
<td>640.00</td>
<td>640.00</td>
</tr>
<tr>
<td>E-00</td>
<td>579.00</td>
<td>579.00</td>
<td>579.00</td>
<td>579.00</td>
<td>579.00</td>
</tr>
</tbody>
</table>

1 Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

2 Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,102.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

3 In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.
CONGRESSIONAL RECORD—HOUSE
H7057
October 17, 2001

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308(b)(f) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308(c)(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(d) PROVISIONS FOR SELECTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308(c)(f) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308(e)(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308(g)(g) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308(h)(h) 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 NATIONAL GUARD.—Section 16302(c)(c) of title 10, United States Code, is amended by striking “January 1, 2002” and inserting “January 1, 2003.”

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITY FOR NAVY OFFICERS CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NAVY OFFICER CANDIDATE ACADEMIA BONUSES.—Section 213(a)(1) of title 10, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(b) NAVY CANDIDATE BONUS FOR REGISTERED NURSES.—Section 302(a)(1) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(c) INCENTIVE SPECIAL PAY FOR NAVY ANESTHETISTS.—Section 302(a)(1) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITY.

(a) AVIATION OFFICER RETENTION BONUS.—Section 303(a)(a) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g)(g) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(e)(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e)(e) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(e) SELECTED RESERVE ENLISTMENT BONUS.—Section 312(a)(1) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(f) SELECTED RESERVE CIVILIAN CAREER ANNUAL INCENTIVE BONUS.—Section 312(d)(d) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

(g) SELECTED RESERVE INCENTIVE PAY FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(a)(a) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002.”

SEC. 614. COMMISSIONER BONUSES FOR DENTAL OFFICERS AUTHORITY WITH AUTHORITIES FOR OTHER CIVILIAN PERSONNEL.

Section 302(a)(1) of title 37, United States Code, is amended by striking “the date of

(c) EFFECTIVE DATE: TRANSITION.—The amendments made by this section shall take effect on January 1, 2002. The tables set forth in subsection (b) of section 301(c) of title 37, United States Code, and inserting “December 31, 2001,” shall continue to apply until the Secretary of the Navy prescribes new sub- marine duty incentive pay rates as author- ized by the amendment made by subsection (a).

SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL REQUIREMENT FOR ELIGIBIL- ITY TO INDIVIDUAL READY RE- SERVE BONUS.

Section 308(a)(1) of title 37, United States Code, is amended—

(1) by striking “and who” and inserting “who is qualified in a skill or specialty desig- nated by the Secretary concerned as criti- cally short to meet wartime requirements, and who”; and

(2) by striking “a combat or support skill of”.

SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR CAREER STATUS BONUS.

(a) MEMBER SELECTION.—Section 322(d)(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “paid in a single lump sum of” and inserting “equal to”;

(2) by redesigning paragraph (2) as para- graph (4), and in such paragraph, by striking “The bonus” and inserting “The lump sum payment of the bonus, and the first instal- ment payment in the case of the person who elect to receive the bonus in installments.”;

and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

“(A) A single lump sum of $40,000.

“(B) Two installments of $15,000 each.

“(C) Three installments of $10,000 each.

“(D) Four installments of $7,500 each.

“(E) Five installments of $6,000 each.

“(3) If a member elects installment payments under paragraph (2), the second instal- ment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

“(A) The annual anniversary date of the payment of the first installment;

“(B) January 15 of each succeeding calendar year.”;

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act. The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uni- formed services who has executed the writ- ten agreement required by subsection (a)(2) of section 322 of such title before that date, but who has not received the lump sum pay- ment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by subsection (a) of this section.

SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 324. Special pay: accession bonus for new officers.

“(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission as an officer of the armed forces and serve on active duty for the period specified in the agree- ment may, upon acceptance of the agree- ment, at the direction of the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(3) If a member elects installment payments under paragraph (2), the second instal- ment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

“(A) The annual anniversary date of the payment of the first installment;

“(B) January 15 of each succeeding calendar year.”;

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act. The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uni- formed services who has executed the writ- ten agreement required by subsection (a)(2) of section 322 of such title before that date, but who has not received the lump sum pay-
**SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND TRANSPORTATION OF CIVILIAN EMPLOYEES FOR TRAVEL PERFORMED UPON A CHANGE OF PERMANENT STATION LOCATED WITHIN THE CONTINENTAL UNITED STATES.**

(a) **Establishment of Rate.**—Section 404(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

>(5) the per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station located within the continental United States at which the dependent is attending a school enrolled in an educational program approved by the school in the continental United States, if the dependent is attending a school enrolled in an educational program approved by the school in the continental United States at which the dependent is attending.

(b) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY SUBSISTENCE EXPENSES.**

(a) **Inclusion of Officers.**—Subsection (a)(2)(C) of section 404a of title 37, United States Code, is amended by striking "an enlisted member" and inserting "a member or former member of the uniformed services military community or a dependents of such member or former member of the uniformed services military community or a dependents and inserting "a member or former member of the uniformed services military community or a dependents of such member or former member of the uniformed services military community or a dependents who is not a member or former member of the uniformed services military community or a dependents of such member or former member of the uniformed services military community or a dependents who is not a member or former member of the uniformed services military community or a dependents."

(b) **Increase in Maximum Daily Authorized Rate.**—Subsection (e) of such section is amended by striking "$180" and inserting "$210".

(c) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order in connection with a change of permanent station issued on or after that date.

**SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGAGE AND HOUSEHOLD EFFECTS FOR COVERED MEMBERS.**

(a) **Increased Weight Allowances.**—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

1. by striking the two footnotes; and
2. by striking the items relating to pay grade E-1 through E-4 and inserting the following new item:

<table>
<thead>
<tr>
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<th>Weight Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-4</td>
<td>7,000</td>
</tr>
<tr>
<td>E-3</td>
<td>5,000</td>
</tr>
<tr>
<td>E-2</td>
<td>3,000</td>
</tr>
<tr>
<td>E-1</td>
<td>1,000</td>
</tr>
</tbody>
</table>

(b) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

**SEC. 634. REIMBURSEMENT OF MEMBERS FOR INCURRED SUBSISTENCE EXPENSES FOR HOUSEHOLD PETS.**

Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking "an order to move for a member of a uniformed service issued on or after that date."

**SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR MARRIED MEMBER, WHOSE DEPENDENT IS AN ACTIVE MEMBER, ASSIGNED TO MILITARY FAMILY HOUSING.**

(a) **Allowance Available.**—Section 407(a)(2) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

>(F) A member married to another member, both of whom are without other dependents, who actually moves to a new permanent duty station where the member is assigned to family housing provided by the United States, except that only one dislocation allowance may be paid to the married couple with respect to the move.

(b) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF DISLOCATION ALLOWANCE FOR MEMBERS WHO ORDERED TO FIRST DUTY STATION.**

(a) **Allowance Available.**—Section 407(e) of title 37, United States Code, is amended—

1. by striking "First or Last Duty" and inserting "Effect of Order from Last Duty Station";
2. by striking "from the member’s home to the member’s first duty station or" and inserting "from the member’s home to the member’s first duty station or an order to move for a member of a uniformed service issued on or after that date."

(b) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 637. PARTIAL DISLOCATION ALLOWANCE FOR COVERED MEMBERS FOR CHANGE OF PERMANENT STATION.**

(a) **Authorization of Partial Dislocation Allowance.**—Section 407 of title 37, United States Code, is amended by adding at the end the following new section:

>(f) **Partial Dislocation Allowance.**—(1) Under the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of $500.

>(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title on or after the date that the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

>(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.

(b) **Effective Date; Application.**—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 638. ALLOWANCES FOR Travel Performed in Connection with Members Taking Authorized Leave Between Consecutive Overseas Tours.**

Section 411b(a)(1) of title 37, United States Code, is amended by striking "or his designee, or to a place no farther distant than his home of record." and inserting "or his designee, or to a place no farther distant than his home of record."
services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38, subject to the enactment of qualifying offsetting legislation as specified in subsection (f).

“(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1407 of title 38, but only to the extent that the amount of the member’s retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under the provisions of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of title 38 at the time of the member’s retirement.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘retired pay’ includes retirement pay, pay of emergency officers, and naval pension.

“(2) The term ‘veterans’ disability compensation’ has the meaning given the term ‘compensation’ in subsection (101)(b) of title 38.

“(e) EFFECTIVE DATE.—If qualifying offsetting legislation (as defined in subsection (f)) is enacted, the provisions of subsection (a) shall take effect on—

“(1) the first day of the first month beginning after the date of the enactment of such qualifying offsetting legislation; or

“(2) the first day of the fiscal year that begins in the calendar year in which such legislation is enacted, if that date is later than the date specified in paragraph (1).

“(f) EFFECTIVENESS CONTINGENT ON ENACTMENT OF OFFSETTING LEGISLATION.—(1) The provisions of subsection (a) shall be effective only if—

“(A) the President, in the budget for any fiscal year, proposes the enactment of legislation that, if enacted, would be qualifying offsetting legislation under this section; and

“(B) after that budget is submitted to Congress, there is enacted qualifying offsetting legislation.

“(2) For purposes of this subsection:

“(A) The term ‘qualifying offsetting legislation’ means legislation (other than an appropriations Act) that includes provisions that—

“(i) offset fully the increased outlays to be made by reason of the provisions of subsection (a) for each of the fiscal years beginning after the date of the enactment of such legislation; and

“(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

“(iii) are included in full on the PayGo scorecard.

“(B) The term ‘PayGo scorecard’ means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the 10 years following the date of the enactment of the legislation that is qualifying offsetting legislation for purposes of this section.

“(c) EXCEPTION.—(1) Subject to paragraph (2), the Secretary may provide that subsection (a) shall not apply for a period of up to one year if—

“(A) The Secretary—

“(i) demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities to ensure the efficiency levels of the practitioners at the facility or facilities; or

“(ii) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(B) the Secretary provides notification of the Secretary’s intent to make an exception under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to make an exception under this subsection;

“(C) the Secretary provides notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary’s intent to make an exception under this subsection, the reason for making an exception, and the date that a nonavailability statement will be required; and

“(D) 60 days have elapsed since the date the notification described in subparagraph (C).

“(2)(A) Except as provided in subparagraph (B), the Secretary may make an exception under this subsection with respect to—

“(i) one or more services performed at a military medical treatment facility or facilities; or

“(ii) one or more services performed in a TRICARE region.

“(B) With respect to maternity care, the Secretary may make an exception under this subsection with respect to a military medical treatment facility.

“(3) In the case of health care provided in conjunction with a graduate medical education program, the period of nonapplicability described in paragraph (1) shall be, instead of one year, the period for which a residency review committee has approved the program.

“TITLe VII.—HEALTH CARE PROVISIONS

Subtitle A.—TRICARE Program

SEC. 701. IMPROVEMENTS TO THE QUALIFYING OFFSETTING PAYMENT RATES UNDER THE TRICARE PROGRAM.

Not later than January 1, 2002, the Secretary of Defense, with respect to categories of health care providers or services for which the Secretary has not already done so and to the extent that the Secretary determines is practicable—

“(1) implement the payment rates used under medicare, or similar rates based on medicare payment methods, to pay for health care services provided by institutional and noninstitutional providers under the TRICARE program and

“(2) as a condition of participation in the TRICARE program, require balance billing of covered beneficiaries by institutional providers and limit balance billing by non-institutional providers (subject to any exceptions the Secretary determines appropriate) consistent with the limiting charge percentage under medicare.

SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION REQUIREMENT.

(a) IN GENERAL.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended—

“(1) in the matter preceding paragraph (1) in subsection (a), by striking ‘new’;

“(2) by striking subsection (c) and inserting the following:

“(c) EXCEPTION.—(1) Subject to paragraph (2), the Secretary may provide that subsection (a) shall not apply for a period of up to one year if—

“(A) the Secretary—

“(i) demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities to ensure the efficiency levels of the practitioners at the facility or facilities; or

“(ii) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(B) the Secretary provides notification of the Secretary’s intent to make an exception under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to make an exception under this subsection;

“(C) the Secretary provides notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary’s intent to make an exception under this subsection, the reason for making an exception, and the date that a nonavailability statement will be required; and

“(D) 60 days have elapsed since the date the notification described in subparagraph (C).

“(2)(A) Except as provided in subparagraph (B), the Secretary may make an exception under this subsection with respect to—

“(i) one or more services performed at a military medical treatment facility or facilities; or

“(ii) one or more services performed in a TRICARE region.

“(B) With respect to maternity care, the Secretary may make an exception under this subsection with respect to a military medical treatment facility.

“(3) In the case of health care provided in conjunction with a graduate medical education program, the period of nonapplicability described in paragraph (1) shall be, instead of one year, the period for which a residency review committee has approved the program.

“SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE TRICARE PROGRAM.

(a) EXPANSION OF TRICARE PROGRAM.—Section 1072(7) of title 10, United States Code, is amended by striking ‘‘the competitive selection of contractors to financially undertake’’.

(b) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary’s plans for implementing such section.
“(1) determines that a shorter period is sufficient to ensure effective implementation of all contract requirements; and
“(2) submits notification to the Committees of the House of Representatives and the Senate of the Secretary’s intent to reduce the nine-month start-up period; and
“(B) have not elapsed since the date of such notification.”.

SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

* § 1074j. Sub-acute care program

“(a) ESTABLISHMENT.—The Secretary of Defense shall promulgate effective, efficient, and integrated sub-acute care benefits programs under this chapter (hereinafter referred to in this section as the ‘program’). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

“(b) BENEFITS.—(1) The program shall include nursing facility benefits that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395w(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

“(2) In this section:

“(A) The term ‘skilled nursing facility’ has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395w(a)).

“(B) The term ‘spell of illness’ has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

“(3) The program shall include a comprehensive, intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395w(m)).

“(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

“1074j. Sub-acute care program.”.

(b) EXTENDED BENEFITS FOR CERTAIN DEPENDENTS.—Section 1079 of such title is amended by striking subsections (d), (e), and (f) and inserting the following new subsection:

“(d)(1) The Secretary of Defense shall establish a program to provide extended benefits for eligible dependents, which may include comprehensive home health care services, including case management services, to assist in the reduction of the disabling effects of a qualifying condition of an eligible dependent. Services of the House of Representatives required to receive the extended benefits.

“(2) The Secretary of Defense, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this subsection.

“(3) In this subsection:

“(A) The term ‘eligible dependent’ means a dependent member of the uniformed services on active duty for a period of more than 30 days, as described in subparagraph (A), (D), or (I) of section 1072(3) of this title, who benefits from the condition.

“(B) The term ‘qualifying condition’ means the condition of a dependent who is moderately or severely mentally retarded, has a serious physical disability, or has an extraordinary physical or psychological condition.

“(C) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services with respect to the qualifying condition of such a dependent, and include such benefits are not provided under provisions of this chapter other than under this section, the following:

“(1) Diagnosis.

“(2) Inpatient, outpatient, and comprehensive home health care supplies and services.

“(3) Training, rehabilitation, and special education.

“(4) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

“(5) Custodial care, notwithstanding the provision in section 1079(c)(1) of this title.

“(6) Respite care for the primary caregiver of the eligible dependent.

“(7) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(15).

“(f) Members shall be required to share in the cost of any benefits provided to their dependents under paragraph (1).

“(g) Members in the lowest enlisted pay grade shall be required to pay the first $25 incurred each month, and members in the next highest enlisted pay grade shall be required to pay the first $250 incurred each month. The amounts to be paid by members in all other pay grades shall be determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.

“(2) A member who has more than one dependent eligible for benefits under section 1074i in a given month shall be required to pay an amount greater than would be required if the member had only one such dependent.

“c) DEFINITIONS OF DOMICILIARY CARE AND DOMICILIARY CARE.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(d) The term ‘custodial care’ means treatment or services, regardless of who recommends such care, of an individual whose treatment or services are provided, that—

“(A) can be rendered safely and reasonably by a person who is not specially trained; or

“(B) is or are designed mainly to help the patient with the activities of daily living.

“(e) The term ‘domiciliary care’ means care provided to a patient in an institution or homelike environment because—

“(A) providing support for the activities of daily living in the home is not available or is unavailable; or

“(B) members of the patient’s family are unwilling to provide the care.”.

(d) CONFORMING AMENDMENT.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17), (e) EXTENSION OF INDIVIDUAL CASE MANAGEMENT.—Section 1072 of title 10, United States Code, is amended by inserting after paragraph (f) the following new paragraph:

“(g) The Secretary shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 55 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services.

(e) REFERENCE IN TITLE 10 TO LONG-TERM CARE PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

“§ 1074k. Long-term care insurance

“Long-term care insurance—Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074j (as added by subsection (a)) the following new item:

“1074k. Long-term care insurance.”.

(f) REPORT ON INITIATIVES REGARDING LONG-TERM CARE.—The Secretary of Defense shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 55 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services and their families.

(g) REFERENCE IN TITLE 10 TO LONG-TERM CARE PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

“§ 1074k. Long-term care insurance

“Long-term care insurance—Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074j (as added by subsection (a)) the following new item:

“1074k. Long-term care insurance.”.

(h) REFERENCES.—This section, and the amendments made by this section, shall take effect on October 1, 2001.

SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF MINOR COVERED BENEFICIARY.

Section 1074i of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1074i. Reimbursement of travel expenses of a minor covered beneficiary

“Nothing in this Act, or the amendments made by this Act, shall be construed to prevent an explanation of law (whether enacted before or after this Act) may be construed as authorizing the Secretary of Defense to take any action that would Preclude, or have the effect of requiring, a member or former member of the Armed Forces who is entitled to retired or retainer pay to receive health care services under this chapter only through the Department of Defense. This section may not be superseded by a subsequent Act unless that Act—

(1) specifically refers to this section; and

(2) specifically states that such provision of law supercedes the provisions of this section.

SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RETIREES TO RECEIVE HEALTH CARE SOLELY THROUGH THE DEPARTMENT OF DEFENSE.

No provision of law (whether enacted before or after this Act) may be construed as authorizing the Secretary of Defense to take any action that would Preclude, or have the effect of requiring, a member or former member of the Armed Forces who is entitled to retired or retainer pay to receive health care services under this chapter only through the Department of Defense. This section may not be superseded by a subsequent Act unless that Act—

(1) specifically refers to this section; and

(2) specifically states that such provision of law supercedes the provisions of this section.

SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.

(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program under which the Brooke Army Medical Center and the Wilford Hall Air Force Medical Center in San Antonio, Texas, may charge civilians who are not covered beneficiaries under chapter 55 of title 10, United States Code, fees representing the actual costs of trauma and other medical care.
provided to such civilians using private sector itemized rates.

(b) USE OF FEES COLLECTED.—(1) The Brooke Army Medical Center and the Wilford Hall Air Force Medical Center may use the amounts collected under the pilot program for—
   (A) trauma consortium activities; and
   (B) readiness training.

(2) The operating budgets of those medical centers shall be reduced as a result of fees collected under the pilot program.

(c) EFFICIENT PRACTICES.—Under the pilot program, the Secretary of Defense shall establish a method of operating the Brooke Army Medical Center or Wilford Hall Air Force Medical Center that would use the funds collected for the activities described in subsection (a). The method shall be approved by the Secretary of Defense after consultation with the Comptroller General of the United States if the method is found to be cost effective.

SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.

Section 1076(a)(2) (other than a dependent of a member (as such term is defined in section 1072(3)) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary shall require that the Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of the Secretary to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions as necessary to enable the Fund to carry out its responsibilities with respect to such section.

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:
   "(d) Amounts paid into the Fund pursuant to section 1111(c)."

(3) Section 1115 of such title is amended—
   (A) in subsection (a), by inserting "before "uniformized services"; and
   (B) by adding at the end the following new subsection:
   "(2) The term "uniformed service" means the provision of services by the Army, the Navy, the Air Force, and the Marine Corps, and, any other uniformed service that is covered by an agreement entered into by the Secretary of Defense under chapter 56 of title 10, United States Code."

(4) The term "medical-eligible" means a resident of the District of Columbia who is entitled to medical care under a Department of Defense health care program for a member of the uniformed service who is entitled to retire or retain pay for an eligible dependent under such program.

(2) A transfer from the Fund under paragraph (1) for the purpose of making the Fund available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are chargeable to the Fund, amounts so transferred may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

(3) The term "military-eligible" means a resident of the District of Columbia who is entitled to medical care under a Department of Defense health care program for a member of the uniformed service who is entitled to retire or retain pay for an eligible dependent under such program.

(2) The term "remaining" means the remaining amount in the Fund shall be available for the respective administering Secretaries to use in any manner they deem necessary to carry out the purposes of the respective administering Secretaries.

(2) By adding at the end the following new paragraph:
   "(d) Amounts paid into the Fund under subsection (a) shall be paid from funds comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the participating uniformed service.".

(d) SOURCE OF FUNDS FOR MONTHLY ACCLURAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended by—
   (1) in subsection (a) amended by subsection (b)(7), by striking the sentence beginning "Amounts paid into"; and
   (2) by adding at the end the following new subsection:
   "(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed service.".

SEC. 714. DELAY IN OBESO REPORT REQUIREMENT.


SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

(b)(1) In this chapter—
   (A) the term "health care" includes the provision of health care services provided under a Department of Defense health care program for a member of the uniformed service who is entitled to retire or retain pay for an eligible dependent under such program.

(2) The term "eligible dependent" means a dependent (as such term is defined in section 1072(2) of this title) described in section 1076(a)(2) other than a dependent of a member on active duty, 1076(b), 1086(c)(2), or 1086(c)(3).

(3) The term "medical-eligible" means a resident of the District of Columbia who is entitled to medical care under a Department of Defense health care program for a member of the uniformed service who is entitled to retire or retain pay for an eligible dependent under such program.

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:
   "(c) The Secretary of Defense may enter into an agreement with any other administering Secretary to the extent that the terms of such agreement shall require that the Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of such administering Secretary to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions to the Fund as necessary to enable the Fund to carry out its responsibilities with respect to such section.

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:
   "(d) Amounts paid into the Fund pursuant to section 1111(c)."

(3) Section 1115 of such title is amended—
   (A) in subsection (a), by inserting "participants before "uniformed services"; and
   (B) by adding at the end the following new subsection:
   "(2) The term "uniformed service" means the provision of services by the Army, the Navy, the Air Force, and the Marine Corps, and, any other uniformed service that is covered by an agreement entered into by the Secretary of Defense under chapter 56 of title 10, United States Code.

(4) The term "medical-eligible" means a resident of the District of Columbia who is entitled to medical care under a Department of Defense health care program for a member of the uniformed service who is entitled to retire or retain pay for an eligible dependent under such program.

(2) The term "remaining" means the remaining amount in the Fund shall be available for the respective administering Secretaries to use in any manner they deem necessary to carry out the purposes of the respective administering Secretaries.

(2) By adding at the end the following new paragraph:
   "(d) Amounts paid into the Fund under subsection (a) shall be paid from funds comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the participating uniformed service.".

(d) SOURCE OF FUNDS FOR MONTHLY ACCLURAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended by—
   (1) in subsection (a) amended by subsection (b)(7), by striking the sentence beginning "Amounts paid into"; and
   (2) by adding at the end the following new subsection:
   "(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed service.".

SEC. 716. TECHNICAL AMENDMENT.

(a) The heading for section 1111 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements."

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements."

(3) Section 1115(c)(1)(B) of such title is amended by inserting an open parenthesis before "other than for training".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–179).

(h) FIRST YEAR CONTRIBUTIONS.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of title 10, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS
Subtitle A—Acquisition Policy and Management

SEC. 801. ACQUISITION WORKFORCE QUALIFICATIONS.
(a) QUALIFICATIONS.—Section 1724 of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) by striking “the Secretary of Defense shall require that, in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series and employs or potential employees of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a), The Secretary may not require that in order to qualify an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection;” and
(B) by striking subsection (b) and inserting the following:

“(b) GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.—(1) The Secretary of Defense shall require that, in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series and employs or potential employees of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to qualify an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

“(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty that is in the GS-1102 series or as a member of the armed forces meet the requirements set forth in paragraphs (1) and (2) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.

“(3) by striking subsections (c) and (d) inserting the following:

“(c) EXCEPTIONS.—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to—

“(A) GS-1102 positions in the industrial management, but the Secretary may determine that an individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and potential for advancement. With respect to each employee selected for GS-1102 positions, the Secretary shall be responsible for ensuring that an employee has the potential for advancement to levels of greater responsibility and authority.

“(B) To qualify for any developmental programs described in subsection (a), an individual shall have achieved a level of education that is similar to the education level described in paragraphs (1) and (2) of subsection (a).

“(C) The Secretary of Defense may not be used for the procurement of an item described in subsection

SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.
(a) QUALIFICATIONS.—Section 1724 of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) by striking “the Secretary of Defense shall require that, in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series and employs or potential employees of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a), The Secretary may not require that in order to qualify an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection;” and
(B) by striking subsection (b) and inserting the following:

“(b) GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.—(1) The Secretary of Defense shall require that, in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series and employs or potential employees of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to qualify an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

“(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty that is in the GS-1102 series or as a member of the armed forces meet the requirements set forth in paragraphs (1) and (2) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.

“(3) by striking subsections (c) and (d) inserting the following:

“(c) EXCEPTIONS.—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to—

“(A) GS-1102 positions in the industrial management, but the Secretary may determine that an individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and potential for advancement. With respect to each employee selected for GS-1102 positions, the Secretary shall be responsible for ensuring that an employee has the potential for advancement to levels of greater responsibility and authority.

“(B) To qualify for any developmental programs described in subsection (a), an individual shall have achieved a level of education that is similar to the education level described in paragraphs (1) and (2) of subsection (a).

“(C) The Secretary of Defense may not be used for the procurement of an item described in subsection

(b) CLERICAL AMENDMENT.—Section 1732(c)(2) of such title is amended by inserting a comma after ‘‘business’’.

SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED OUTSIDE THE UNITED STATES.
(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after chapter 140 the following new chapter:

“Chapter 148.—Instruments for Use Outside the United States

“§ 1481. Purpose

“The purpose of this chapter is to establish a program for the acquisition of instruments for use outside the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1481 the following new item:

“1481. Purpose.”

SEC. 805. CODIFICATION AND MODIFICATION OF “BERRY AMENDMENT” REQUIREMENTS.
(a) BERRY AMENDMENT REQUIREMENTS.—(1) Chapter 148 of title 10, United States Code, is amended by inserting after section 2533 the following new section:

“$ 2533a. Requirement to buy certain articles from American sources; exceptions

“(a) REQUIREMENT.—Except as provided in subsections (b) through (g), funds appropriated to the Department of Defense may not be used for the procurement of an item described in subsection

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(b) if the item is not grown, reprocessed, reused, or produced in the United States.

(2) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

(A) food;

(B) clothing;

(C) tents, tarpsaulins, parachutes, or covers;

(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for serge, slub, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or fabric or contained in fabrics, materials, or manufactured articles); or

(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(2) Specialty metals, including stainless steel flatware.

(3) Procurement tools.

(c) EXCEPTION.—The Secretary of Defense or the Secretary of the military department concerned may waive the requirement in subsection (a) if—

(1) such Secretary determines that satisfactory quality and sufficient quantity of any article or item described in subsection (b) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices;

(2) such Secretary has provided notice to the public regarding the waiver;

(3) such Secretary has notified the Committee on Appropriations, Armed Services, and Small Business of the House of Representatives and the Committee on Armed Services, Senate, the Committee on Small Business of the House of Representatives and the Senate regarding the information contained in such committees.

(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

(1) any contract for amounts not greater than the simplified acquisition threshold referred to in section 2304(c) of this title.

(2) any contract for amounts not greater than the simplified acquisition threshold referred to in section 2304(c) of this title.

(b) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(1) GEOGRAPHIC COVERAGE.—In this section, the term ‘‘United States’’ includes the commonwealths and possessions of the United States.

(2) EXCEPTION FOR COMMISSIONERS, EXCHANGE, AND INSTRUMENTALITY.—Procurement of non-defense fund instrumentalities.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, military exchanges, or non-appropriated fund instrumentalities operated by the military departments or the Department of Defense.

(2) The table of sections at the beginning of this part, shall have a database to track the item relating to section 2533 the following new item:

2533a. Requirement to buy certain articles from American sources; exception.

(b) Repeal of source provisions.—The following provisions of law are repealed:


(2) Section 8109 of the Department of Defense Appropriations Act, 1997 (as contained in section 1006(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 2241 note).

SEC. 806. INCREASE OF ASSISTANCE LIMITATION REGARDING MANAGEMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 214(a)(1) of title 10, United States Code, is amended by striking ‘‘$300,000’’ and inserting ‘‘$600,000’’.

SEC. 807. STUDY OF CONTRACT CONSOLIDATIONS.

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than 90 days after each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Subtitle B—Errors in Payments Recovery

SEC. 811. SHORT TITLE.

This subtitle may be cited as the ‘‘Errors in Payments Recovery Act of 2001’’.

SEC. 812. IDENTIFICATION OF ERRORS MADE BY CONTRACTORS OR RECOVERY OF AMOUNTS ERRONEOUSLY PAID.

(a) Procedures required.—The Secretary of each executive agency that enters into contracts with a total value in excess of $500,000,000 in a fiscal year shall carry out a cost-effective recovery program for identifying any amounts erroneously paid to contractors.

(b) Recovery audits and activities.—A program of an executive agency under subsection (a) shall include recovery audits and recovery activities. The head of the executive agency shall determine, in accordance with guidance provided under subsection (c), the classes of contracts to which recovery audits and recovery activities are appropriately applied.

(c) OMB guidance.—The Director of the Office of Management and Budget shall issue guidance for the conduct of programs under subsection (a). The guidance shall include:

(1) Definitions of the terms ‘‘recovery audit’’ and ‘‘recovery activity’’ for the purpose of the programs.

(2) The classes of contracts to which recovery audits and recovery activities are appropriately applied under the programs.

(3) Procedures for the confidentiality of—

(A) sensitive financial information that has not been released for use by the general public; and

(B) information that could be used to identify a person.

(4) Policies and procedures for ensuring that the implementation of the programs does not result in duplicative audits of contractor records.

(5) Policies regarding the types of contracts executive agencies may use for the procurement of recovery services, including guidance for use, in appropriate circumstances, of a contingency contract pursuant to which the head of an executive agency may pay a contractor an amount equal to a percentage of the total amount collected for the United States pursuant to that contract.

(6) Protections for a contractor’s records and facilities through restrictions on the authority of a contractor under a contract for the procurement of recovery services for an executive agency—

(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency;

(B) to establish, or otherwise have, a physical presence on the property or premises of any private sector entity for the purposes of performing the contract; or

(C) to act as agents for the Government in the recovery of funds erroneously paid to contractors.

(7) Policies for the appropriate types of management improvement programs authorized by section 815 that executive agencies may carry out to address overpayment problems and the recovery of overpayments.

SEC. 813. DISPOSITION OF RECOVERED FUNDS.

(a) Availability of funds for recovery audits and activities program.—Funds collected under a program carried out by an executive agency under section 812 shall be available to the executive agency, in such amounts as are provided in advance in appropriation acts, for the following purposes:

(1) To pay contractors for services under the program.

(2) To pay contractors for services under the program in accordance with the guidance issued under section 812(c)(5).

(b) Funds not used for program.—Any amounts erroneously paid by an executive agency that are recovered under such a program and which the erroneous payments were made that remain available for obligation as of the time such amounts were collected, shall be merged with other amounts in those appropriation acts, and shall be available for the purposes and period for which such appropriations are available; or
(2) if no such appropriation remains available for obligation at that time, shall be disposed of as provided in subsection (c).

(3) any otherwise applicable provisions of Title I(J) of the Airline Deregulation Act of 1978 or any other provision of law.

(b) LIABILITY.—Any person that violates subsection (a) shall be liable for any damage, including any amount not expended under section 816; and

(2) the remainder of that total amount, including any amount not expended under paragraph (1), shall be deposited in the Treasury as miscellaneous receipts.

SEC. 813. SOURCES OF RECOVERY SERVICES.

(a) AVAILABLE RECOVERY RESOURCES.—(1) In carrying out a program under section 812, the head of an executive agency shall consider all resources available to that agency to carry out the program.

(2) The resources considered by the head of an executive agency for carrying out the program shall include the resources available to the executive agency for such purpose from the following sources:

(A) The executive agency.

(B) Other departments and agencies of the United States.

(C) Private sector sources.

(b) COMPLIANCE WITH APPLICABLE LAW AND REGULATIONS.—Before entering into a contract with a nongovernmental source for the performance of services under a program of the executive agency carried out under section 812, the head of an executive agency shall comply with—

(1) any otherwise applicable provisions of Office of Management and Budget Circular A-76; and

(2) any other applicable provision of law or regulation with respect to the selection between employees of the United States and private sector sources for the performance of services.

SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.

In accordance with guidance provided by the Director of the Office of Management and Budget under section 812, the head of an executive agency required to carry out a program under section 812 may carry out a program for improving management processes within the executive agency—

(1) to address problems that contribute directly to the occurrence of errors in the payment of contractors of the executive agency; or

(2) to improve the recovery of overpayments due to the agency.

SEC. 816. REPORTS.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 months after the date of the enactment of this Act, and annually for each of the five years following the year of the first report, the Director of the Office of Management and Budget shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, a report on the implementation of this subtitle.

(b) CONTENT.—Each report shall include—

(1) an evaluation and evaluation of the steps taken by the heads of executive agencies to carry out the programs under this subtitle, including any management improvement programs carried out under section 815;

(2) the costs incurred by executive agencies to carry out the programs under this subtitle; and

(3) the amounts recovered under the programs under this subtitle.

SEC. 817. REFORM OF AUTHORITY OF INSPECTORS GENERAL.

Nothing in this subtitle shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

SEC. 818. PRIVACY PROTECTIONS.

(a) PROHIBITION.—Any nongovernmental entity that carries out recovery auditing or recovery activity under this subtitle, obtains information that identifies an individual with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity or for the purpose of the recovery auditing or recovery activity.

(b) LIABILITY.—Any person that violates subsection (a) shall be liable for any damages (including non-pecuniary damages), and attorneys fees incurred by the individual as a result of the violation.

SEC. 819. DEFINITION.

In this subtitle, the term ‘executive agency’ has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION TO DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2002 so that the total number of such personnel as of October 1, 2002, is less than the total number of such personnel as of October 1, 2001, by at least 13,000.

(b) DEFENSE WORKFORCE DEFINED.—For purposes of this section, the term ‘defense acquisition and support personnel’ includes Acquisition, Development, Production, and Support personnel.

SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN OFFICE OF TRANSFORMATION IN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Armed Forces should give careful consideration to implementing transformation to meet operational challenges and exploit opportunities resulting from changes in the threat environment and the emergence of new technologies.

(2) A 1999 Defense Science Board report on transformation concluded that there was no overall Department of Defense vision for transformation, no road map, no metrics to measure progress, and little sense of urgency.

(3) Historic case studies have shown that within the military, as well as commercial enterprises, transformation must be directed from the highest levels of an organization.

(b) SENSE OF CONGRESS ON ESTABLISHMENT OF AN OFFICE OF TRANSFORMATION.—It is the sense of Congress that the Secretary of Defense should consider the establishment of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is prepared to perform potential military operations, and that new technologies will be developed to meet new operational concepts and requirements, and that the transformation efforts will, in turn, be directed and supported by transformation strategies; and

(2) ensuring a continuous and broadly focused transformation process.

(3) service and joint acquisition and experimentation efforts, for the development of operational concepts and technologies, and other transformation activities, as appropriate; and

(4) the development of a national comprehensive transformation strategy, and risk management strategies.

(c) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that the Secretary of Defense should consider providing funding for a strategic plan to support selective prototyping efforts, one-time costs, and studies and analyses and for appropriate staffing, as recommended by the director of the Office of Transformation as described in subsection (b).

SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REVISED REPORT.—At the same time as the submission of the budget for fiscal year 2003, the revised report required under section 105 of title 31, United States Code, the Secretary of Defense and the Director of National Intelligence shall submit to the Congress a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) MATTERS INCLUDED.—The revised report shall include the same matters required to be included in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of all Federal agencies involved in the collection of intelligence. The revised report shall include a draft of legislation sufficient to carry out the preferred architecture identified in the revised report.

(c) OFFICIALS TO BE CONSULTED.—The revised report shall be preceded by consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The Secretary of State.

(4) The Attorney General.

(5) The Director of the Federal Bureau of Investigation.

(6) The Administrator of the Drug Enforcement Administration.

(7) The Director of the Defense Threat Reduction Agency.

(8) The Director of the Defense Information Systems Agency.

(d) DOD/CIA REPORT DEFINED.—In this section, the term "DOD/CIA report" means the joint report required by section 933 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2003 (as enacted into law by Public Law 108-183; 114 Stat. 1654–237).

SEC. 904. ELIMINATION OF TRIENNIAL REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) REPEAL OF REQUIREMENT FOR SEPARATE REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Section 153 of title 10, United States Code, is amended by striking subsection (b).

(b) MATTERS CONSIDERED AS PART OF DEFENSE QUADRERNIAL REVIEW.—Subsection 118(e) of such title is amended—

[The rest of the text is omitted for brevity.]

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(1) by inserting ("1") before "Upon the completion";
(2) by designating the second and third sentences as paragraphs (3) and (4); and
(5) by inserting a new paragraph (1), as designated by paragraph (1) of this subsection, the following new paragraph:
"(A) Unnecessary duplication of effort among the armed forces.

(B) Changes in technology that can be applied effectively to warfare.

SEC. 905. REPEAL OF REQUIREMENT FOR SEMIANNUAL REPORTS THROUGH MARCH 2003 ON ACTIVITIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.


SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY COMMAND.

(a) REFERENCES IN TITLE 10, UNITED STATES CODE.—Sections 2554(d) and 2555(a) of title 10, United States Code, are each amended by striking "Air Mobility Command" and inserting "Air Mobility Command".

(b) RIPESE OF OBSOLET PROVISION.—Section 8074 of such title is amended by striking subsection (c).

(c) REFERENCES IN TITLE 37, UNITED STATES CODE.—Sections 430(c) and 432(b) of title 37, United States Code, are each amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE DURING FISCAL YEAR 2002 FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Resourcing, Warfare Requirements, and Assessments" and inserting "office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and assessments for programs and projects"

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary that such an action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense for this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations may only be used to provide authority for items that have a higher priority than the items from which authority is transferred.

(c) AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives on the joint explanatory statement of the conference report of H.R. 2586 of the One Hundred Seventh Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2002.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund:

(1) no more than $1,315,600,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations;

(2) no more than $1,528,600,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), if Congress determines to waive that limitation in the classified annex.

(c) REPORT.—The President shall provide to the Congress a report setting forth the following:

(1) The reasons that the waiver is necessary in the national security interests of the United States.

(2) Certification that the waiver will not adversely affect the readiness of United States military forces.

(d) NOTICES TO CONGRESS.—The report required by subsection (a) shall be submitted to Congress not later than July 1, 2001.

SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE AUTHORITY OF THE PRESIDENT TO SETTLE ADMIRALTY CLAIMS.

(a) ADMIRALTY CLAIMS AGAINST THE UNITED STATES.—Section 7622 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking "$1,000,000" and inserting "$15,000,000"; and

(2) in subsection (c), by striking "$100,000" and inserting "$1,000,000".

(b) ADMIRALTY CLAIMS BY THE UNITED STATES.—Section 7623 of such title is amended—

(1) in subsection (a)(2), by striking "$1,000,000" and inserting "$15,000,000"; and

(2) in subsection (c), by striking "$100,000" and inserting "$1,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any claim accruing on or after February 1, 2001.

Subtitle B—Naval Vessels

SEC. 1011. REVISE IN TYPES OF EXCESS NAVAL VESSELS FOR WHICH APPROVAL BY LAW IS REQUIRED FOR DISPOSAL TO FOREIGN NATIONS.

(a) REVISE IN VESSEL THRESHOLD.—Section 7307 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A naval vessel" and inserting "Except as provided in subsection (b), a "naval vessel"; and

(2) by redesignating subsection (b) as subsection (c).

(b) LIMITATION.—Except as provided in subsection (a) the following new subsection:

(b) TREATMENT OF VESSELS HELD BY FOREIGN NATIONS BY LOAN OR LEASE.—Subsection (a) shall not apply to the disposal of any vessel described in subsection (a), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

A. The reasons that the waiver is necessary in the national security interests of the United States.

B. The reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or operations in Kosovo peacekeeping operations, as the case may be, for fiscal year 2002.

A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or operations in Kosovo peacekeeping operations, as the case may be.

A supplemental appropriations request for the Department of Defense for such fiscal year.

(c) APPEAL.—Any vessel transferred to another country under an applicable provision of law as described in subsection (a) shall not be counted for the purposes of any aggregate limit on the value of articles transferred to other countries under that provision of law during any year or other applicable period of time.

(d) INAPPLICABILITY OF VESSEL DISPOSALS TO AGGREGATE ANNUAL VALUE LIMITATIONS.—The value of a vessel transferred to another country under an applicable provision of law is not counted for the purposes of any aggregate limit on the value of articles transferred to other countries under that provision of law during any year or other applicable period of time.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended—

(1) by striking "LARGER OR NEWER" in the subsection heading and inserting "LARGER OR NEWER";

(2) by striking "approved by law enacted after August 5, 1974" and inserting "specifically approved by law";
SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN-ORDER/DEAL-COUNTER-DUARY ACTIVITIES.

Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 2644–255) is amended—

(1) by inserting “and April 15, 2002,” after “January 1, 2001,” and

(2) by striking “fiscal year 2000” and inserting “the preceding fiscal year.”

SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT CURRENTLY USED FOR ARMED FORCES FOR COUNTER-DUARY-PURPOSES.

(a) Transfer authority.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency all Tracker aircraft in the inventory of the Department of Defense.

(b) Effect of failure to transfer.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, any Tracker aircraft remaining in the inventory of the Department of Defense may not be used by the Armed Forces for counter-Duary purposes after that date.

SEC. 1023. AUTHORITY TO TRANSFER TETHERED AEROSTAT RADAR SYSTEM CURRENTLY USED BY ARMED FORCES FOR COUNTER-DUARY-PURPOSES.

(a) Transfer authority.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency the Tethered Aerostat Radar System currently used by the Armed Forces in maritime, air, and land counter-Duary detection and monitoring.

(b) Effect of failure to transfer.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, the Tethered Aerostat Radar System may not be used by the Armed Forces for counter-Duary purposes after that date.

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) Assignment authority.—Chapter 18 of title 10, United States Code, as amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) Assignment Authorized.—Upon submission of a request by the Immigration and Naturalization Service or the Customs Service, the Secretary of Defense shall assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) Request for Assignment.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the assignment is at the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) Training Program Required.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary concerned, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) Conditions of Use.—(1) Whenever a member who is assigned under subsection (a) is not exercising the authority to assist the Immigration and Naturalization Service or the United States Customs Service in performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) Establishment of Ongoing Joint Task Forces.—(1) The Attorney General or the Secretary of the Treasury (as the case may be) may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

“(f) Notification Requirement.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local government authorities in the State in which the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

“(g) Reimbursement Requirement.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

“(h) Termination of Authority.—No assignment may be made or continued under subsection (a) after September 30, 2001.

“(i) Compensation Training Program.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of enactment of this Act.

“(j) Clerical Amendment.—The title of sections at the beginning of each chapter is amended by inserting the item relating to section 374a the following new item:

“374a. Assignment of members to assist border patrol and control.”

Subtitle D—Reports

SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS ON COUNTER-DRUG CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

(a) In General.—Chapter 29 of title 10, United States Code, is amended by inserting, after the table of sections the following new section:

“480. Department of Defense reports: submission in electronic form

“(a) Requirement.—Whenever the Secretary of Defense or any other official of the Department of Defense proposes to issue a law to submit a report to Congress (or any committee of either House of Congress), the Secretary or other official shall provide to Congress a copy of the report and any supporting materials on a compact disc or other medium and a copy of the report in an electronic medium.

“(b) Exception.—Subsection (a) does not apply to a report submitted in classified form.

“(c) Definition.—In this section, the term ‘report’ includes any certification, notification, or other communication in writing.”

SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN HOMELAND SECURITY MATTES.

The Secretary of Defense shall conduct a study on the appropriate role for the Department of Defense in homeland security matters. The Secretary shall submit to the Congress a report on the results of that study at the same time that the budget of the President for fiscal year 2003 is submitted to Congress.

SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

The text of section 1641 of title 10, United States Code, is amended to read as follows:

“(a) Requirement.—The Secretary of Defense shall submit to Congress each year, not later than March 1, a written report concerning the equipment of the National Guard and the reserve components of the armed forces. Each such report shall cover the current fiscal year and the three succeeding years.

“(b) Matters to be Included in Report.—Each report under this section shall include the following (shown in the aggregate and separately for each reserve component):

“(1) A list of major items of equipment required and on-hand in the inventories of the reserve components.

“(2) A narrative discussion of major items of equipment that are expected to be procured from commercial sources or transferred from the active forces to the reserve components.

“(3) A statement of major items of equipment in the inventories of the reserve components that are substitutes for a required major item of equipment or that fulfill a mission for which no other items of equipment can be used.

“(4) A narrative explanation of the plan of the Secretary concerned to equip each reserve component, including an explanation of the plan to equate the inventories of the reserve components that are short major items of equipment at the outset of war or a contingency operation.

“(5) A narrative discussing the current status of the compatibility and interoperability of equipment between the reserve components and the active forces and the effect of that level of compatibility or interoperability on combat effectiveness, together with a plan to achieve full equipment compatibility and interoperability.

“(6) A narrative describing modernization shortfalls and maintenance backlogs within the reserve components and the effect of those shortfalls on combat effectiveness.

“(b) MATTERS TO BE INCLUDED.—In this section—

“(1) ‘Major item of equipment’ includes ships, aircraft, combat vehicles, and key combat support equipment.
"(d) FORMAT AND LEVEL OF DETAIL.—Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the Future Years Defense Program Summary Narrative and Program Procurement Annex prepared by the Department of Defense.").

Subtitle E—Other Matters

SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITY.

(a) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY SECRETARY OF THE NAVY.—Section 7545 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Subject to” and all that follows through “by him,” and inserting “AUTHORITY TO MAKE GIFTS AND LOANS.—The Secretary of the Navy;

(B) by striking “captured, condemned,” and all that follows through “to,—” and inserting “items described in subsection (b) that are not needed by the Department of the Navy to any of the following:”

(C) by capitalizing the first letter after the paragraph designation in each of paragraphs (1) through (12);

(D) by striking the semicolon at the end of paragraphs (1) through (10) and inserting a period after the last word in paragraph (11);

(E) by striking “; or” at the end of paragraph (11) and inserting a period after the last word in paragraph (11);

(F) in paragraph (5), by striking “World War I or World War II” and inserting “a foreign war;”

(G) in paragraph (6), by striking ‘‘soldiers’ monument’’ and inserting ‘‘service personnel’s monument;’’

(H) in paragraph (8), by inserting “or memorial” after “a museum;”

(2) by redesignating subsections (d) and (e), each, respectively, as (c) and (d); and

(3) by inserting after subsection (a) the following new subsections:

(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section applies to the following types of property held by the Department of the Navy:

(1) Captured, condemned, or obsolete ordnance material.

(2) Captured, condemned, or obsolete combat or shipboard material.

(c) CONDITION OF AIRCRAFT.

(A) A loan or gift made under this section shall be subject to regulations prescribed by the Secretary of the Navy and to regulations under section 205 of the National and Commercial Banking Act of 1935 (12 U.S.C. 612 et seq.).

(B) The Secretary shall establish, maintain, and operate a program to provide for the proper use and disposal of aircraft for which the Secretary determines it will be in the interest of the Navy to retain title, interest in, or possession of, the aircraft.

(C) The Secretary shall make a decision to retain title, interest in, or possession of, the aircraft as soon as possible after the end of the fiscal year in which the decision to retain title, interest in, or possession of, the aircraft shall be made.

(D) The Secretary may release title, interest in, or possession of, the aircraft to any party in accordance with section 1041(b) or to the National Air and Space Museum.

(E) The Secretary shall maintain the material conveyed in a condition that will not diminish the historical value of the material or bring discredit upon the Navy.

(F) CONFORMING AMENDMENTS.—Section 2572(a) of such title is amended—

(1) by striking “subject to” and inserting “service personnel’s monument;” and

(2) in paragraph (4), by inserting “or memorial” after “an incorporated museum.”

SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT REGARDING CONTINUATION OF NAVY TRAINING ON ISLAND OF VIEQUES, PUERTO RICO, AND ADDITIONAL CONDITIONS ON CLOSURE OF LIVE FIRE TRAINING RANGE.

(a) IN GENERAL.—Title XV of the Floyd D. Spence Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-348) is amended by striking sections 1503, 1504, and 1505 and inserting the following:

"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

(a) REQUIRED CERTIFICATION.—The Secretary of the Navy shall certify that there is a sufficient alternative training facility that provides an equivalent or superior level of training for the United States and the Marine Corps stationed or deployed in the eastern United States; and

(b) EQUIVALENT OR SUPERIOR LEVEL OF THE TRAINING RANGE.—In this section, the term ‘equivalent or superior level of training’ refers to an ability of the Armed Forces to conduct a single location coordinated live-fire training, including large-scale tactical air strikes, naval surface fire support and artillery, and amphibious landing operations, as was conducted at Vieques Naval Training Range from 1947 to 1996.

SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL TRAINING RANGE.

(a) RETENTION.—If the conditions specified in section 1503(a) are satisfied and the Secretary of the Navy terminates all Navy and Marine Corps training operations on the island of Vieques, the Secretary of the Navy shall retain administrative jurisdiction over the Live Impact Area and all other Department of Defense real properties on the eastern side of the island for possible reactivation for training use, in the event a national emergency.

(b) ADMINISTRATION.—The Secretary of the Navy may enter into a cooperative agreement with the Secretary of the Interior to provide for management of the property described in subsection (a), pending reactivation for training use, by appropriate agencies of the Department of the Interior as follows:

(1) Management of the Live Impact Area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), including a prohibition on public use of the area.

(2) Management of the remaining property as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(c) LIVE IMPACT AREA DEFINED.—In this section, the term ‘Live Impact Area’ means the issuance real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance, training, and firing of forces of the Navy and Marine Corps.

(d) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking "and the Secretaries of the Air Force with such consideration, to the nonprofit National Aviation History Foundation, of the Air Force may convey, without consideration, to the nonprofit National Aviation Museum and Foundation of Oklahoma (hereinafter in this section referred to as the 'museum'), all right, title, and interest of the United States in and to one surplus F-4 aircraft that is flyable or that can be readily restored to flyable condition, and any modifications shall be made by means of a conditional deed of gift.

SEC. 1043. REPEAL OF LIMITATION ON RECOGNITION IN PEACEKEEPER ICBM MISSLE SYSTEM.

Subsection (a)(1) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended by striking subparagraph (D).

SEC. 1044. TRANSFER OF VIETNAM ERA F-4 AIRCRAFT TO NONPROFIT MUSEUM.

(a) AUTHORITY To Transfer Aircraft.—The Secretary of the Air Force may convey, without consideration, to the nonprofit National Aviation Museum and Foundation of Oklahoma (hereinafter in this section referred to as the ‘museum’), all right, title, and interest of the United States in and to one surplus F-4 aircraft that is flyable or that can be readily restored to flyable condition, and any modifications shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the museum has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(f) CONFORMING AMENDMENTS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the museum not convey any ownership interest in, or transfer or dispose of any portion of the hull or equipment of the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that the museum and the aircraft be in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(g) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States, upon the completion with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the other party.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1045. BOMBER FORCE STRUCTURE.

No funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling of any of the 93 B-1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or the facility to which assigned as of that date, until each of the following has occurred:

(1) The President transmits to Congress a national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 4040) as required by subsection (a)(3) of that section.

(2) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Appropriations of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of

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title 10, United States Code, that under that section is required to be submitted not later than September 30, 2001.

(3) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides—

(a) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992 and 1995 that warrant changes in the current configuration of bomber fleet; and

(B) the plans of the Department of Defense for assigning new missions to the National Guard and reserve Christian Science Monitor, and for the transition of those units and their facilities from the current B-1 mission to their future missions.

(4) The Secretary of Defense submits to Congress the annual report of the Secretary for 2001 required by section 113(c) of title 10, United States Code.


(6) The Secretary of Defense conducts, and submits to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a comprehensive study of—

(a) the role of manned bomber aircraft appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1);

(b) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1); and

(c) the most cost effective allocation of bomber force structure, factoring in use of facilities from the current B-1 mission to their future missions.

SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle B, are amended by striking the period after “111” in the item relating to chapter 56.

(2) Section 119(g)(2) is amended by striking “National Security Subcommittee” and inserting “Subcommittee on Defense”.

(3) Section 130(b)(3)(C) is amended by inserting “section (f)” and inserting “section (g)”.

(4) Section 176(a)(3) is amended by striking “Chief Medical Director” and inserting “Under Secretary for Health and...”.

(5) Section 505(c) is amended in paragraph (6)(A)(1) by striking “14101(b)” and “8001(b)” and inserting “14101” and “8001”, respectively.

(6) The amendment made by subparagraph (A) shall take effect on July 1, 2002, immediately after the date of enactment of this Act.

(B) in subsection (b)(2)(D), by striking “and the” and inserting “the following:

(7) Section 663(e) is amended—

(A) by striking “Armed Forces Staff College” in paragraph (1) and inserting “Joint Forces Staff College”; and

(B) by striking “Armed Forces Staff College” and inserting “Joint Forces Staff College”.

(8) Section 874(a) is amended by inserting after “a sentence of confinement for life” the following:

“(that is authorized by an offense committed after October 29, 2000);”.

(9) Section 1058(c)(2) is amended by striking “not later than September 30, 1991,”.

(10) The table of sections at the beginning of chapter 55 is amended by transferring the item relating to section 1074i, as inserted by section 756(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 as enacted by Public Law 106-398; 114 Stat. 1654A-200, so as to appear after the item relating to section 1074h.

(11) Section 1079(a)(6) is amended by striking “1072” and inserting “section 1072(3)”.

(12) Sections 111(a) and 111(a)(1) are each amended by striking “hereafter” and inserting “hereinafter”.

(13) Section 116 is amended—

(A) in subsection (a)(2)(B), by inserting an open parenthesis before “other than for training” and closing parenthesis after “other than for training”;

(B) in subsection (b)(2)(D), by striking “111c(v)(4)” and inserting “section 111c(v)(4)”.

(14) The heading for subsection II of chapter 7 is transferred within that chapter so as to appear before the table of sections at the beginning of that subsection (as if the amendment made by section 721(c)(1) of the National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-396; 114 Stat. 854-541) is redesignated as section 2559, and the item relating to that section in the table of sections at the beginning of chapter 152 is revised to conform to such redesignation.

(15) Section 2561(d) is amended by striking “with”.

(16) Section 2166(e)(9) is amended by striking “App. 2” and inserting “App.”.

(17) Section 2532(a)(1)(C) is amended—

(A) by striking “section 10463)” and inserting “section 365(3)”.


(C) by striking “which, for the purposes of this section” and all that follows through the period at the end and inserting a period.

(18) Section 2375(b) is amended by inserting after “section 34 of the Office of Federal Procurement Policy Act”.

(19) Section 2377 is amended by inserting “section 4 of the Office of Federal Procurement Policy Act”.

(20) Section 2410(a) is amended by inserting after “inscription” the following: “, or another inscription with the same meaning.”.

(21) Section 2461(a)(2) is amended by striking “efficiency” and inserting “efficiency”.

(22) Section 2462 is amended—

(A) in subsection (a)(2)—

(i) by striking “, United States Code” in paragraph (A); and

(B) in subsection (b)(2)(A), by striking “United States Code”.

(23) Section 2463 is amended—

(A) in subsection (a)—

(i) by striking “intention of Congress” and inserting “intention of Congress”;

(ii) by realigning clauses (2), (3), and (4) so that each such clause appears as a separate paragraph indented two ems from the left margin; and

(iii) in paragraph (1), as so realigned, by striking “Armed Forces” and inserting “armed forces”;

(B) in subsection (b)(1)—

(i) by striking “in this section, the Secretary is authorized and directed to” and inserting “in subsection (a), the Secretary of Defense shall—”;

(ii) by striking “defense industrial” and inserting “Defense Industrial Reserve”; and

(C) in subsection (c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(I) by striking “means” and inserting “means”;

(II) by realigning clauses (A), (B), and (C) so that each such clause appears as a separate paragraph indented four ems from the left margin; and

(iii) by redesignating paragraph (3) as paragraph (2).

(24) Section 2541c is amended by striking “subtitle” both places it appears in the matter preceding paragraph (1) and inserting “subchapter”.

(25) The second section 2555, added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-396; 114 Stat. 1654A-200), is redesignated as section 2565, and the item relating to that section in the table of sections at the beginning of chapter 152 is revised to conform to such redesignation.

(26) The second section 2562, added by section 1(a) of Public Law 106-446 (114 Stat. 1932), is redesignated as section 2563, and the item relating to that section in the table of sections at the beginning of chapter 133 is revised to conform to such redesignation.

(27) A section 2803(a) is amended—

(i) in the matter preceding paragraph (1), by inserting “of Defense” after “Secretary”; and

(ii) in paragraph (3)—

(I) by inserting “to the Secretary of Defense” after “certifies”;

(II) by inserting “(42 U.S.C. 3762a)” after “of 1965”;

(III) by striking “to the public agencies referred to in section 515(a)(1) or 515(a)(3) of title I of such Act” and inserting “to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section”;

(B) The heading of such section is amended to read as follows:

“§ 2693. Conveyance of certain property: Department of Justice correctional options program.”

(1) The item relating to such section in the table of sections at the beginning of chapter 159 is amended to read as follows:

“§ 2693. Conveyance of certain property: Department of Justice correctional options program.”

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(28) Section 3014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "the number equal to 40101(a)(2)".

(29) Section 5014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "60.".

(30) Section 8014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "80.".

(31) Section 133a(b) is amended by striking "40101(a)(2)" and inserting "40102(a)(2)".

(32) Section 12741(a)(2) is amended by striking "received" and inserting "receive".

(33) Title 10, United States Code, is further amended as follows:

(1) Section 133a(b) is amended by striking "shall assist the Under Secretary of Defense for Acquisition and Technology" and inserting "shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics".

(2) The following provisions are each amended by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics": sections 139(c), 139(f), 171(a)(3), 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B), 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a), 1760(b)(2)(A), 1761(b)(14), 1763(c)(1), 1763(c)(2)(B), 2303(b)(1)(B)(ii), 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350(a)(2)(2), 2350a(c)(2)(A), 2350a(c)(2)(B), 2350f(1)(A), 2350f(2)(A), 2350f(2)(B), 2350f(3)(A), 2350f(3)(B), 2353(b)(4), 2453(d)(2), 2621(a)(5), and 2621(a)(6).

(3) (A) The heading for section 1702 is amended to read as follows: "§ 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.

(B) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 is amended to read as follows: "1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities."

(4) Section 2506(b) is amended by striking "Under Secretary of Defense for Acquisition" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities".

(c) AMENDMENTS TO SUBSTITUTE CALENDAR DATES FOR DATE-OF-ENACTMENT REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Section 150(c)(1) is amended by striking "the date of the enactment of this section" and inserting "October 30, 2000".

(2) Section 185(a) is amended by striking "the date of the enactment of this section" and inserting "October 30, 2000".

(3) Section 866(a) is amended by striking "the date of the enactment of this section" and inserting "October 30, 2000".

(4) Section 1074(g)(a)(8) is amended by striking "the date of the enactment of this paragraph" and inserting "February 10, 1996".

(5) Section 12065 is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000," and inserting "October 5, 1999".

(6) Section 1405(c)(1) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996," and inserting "October 5, 1994."
SEC. 1047. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (a) of section 3667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Paragraph (1) does not apply to a renewal of a lease if the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

"(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

"(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship’s operation, no monetary lease payments are required from the lessee under the initial lease or any renewal or extension.

"(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and ensure full responsibility for the safety of the ship, its crew, and scientific personnel aboard."

SEC. 1048. SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARRIOTT LAKE, TEXAS.

(a) FINDINGS. Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered for the service of the people of France during World War I.

(3) 263 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 32 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Crowell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS. It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between fuel consumption and corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

SEC. 1050. SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.

(a) FINDINGS. Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to $3,650,000,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training, allowing the corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS. It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between fuel consumption and corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.
(2) to prevent the outflow from Russia of sensitive scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the period for which it is designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and actions required by subsection (a) that may include a phase-in of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of the technical and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) CONSULTATION WITH RUSSIA.—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) CONSULTATION WITH CONGRESS.—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

SEC. 1052. TRANSITION EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM-RELATED VULNERABILITIES OF WEAPONS OF MASS DESTRUCTION.


(1) in subsection (b)(2), by striking “2001” and inserting “2003”; and

(2) in subsection (l), by striking “three years” and inserting “five years”.

SEC. 1053. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national military base, and provide a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) The United States and nations allied with the United States to realize these benefits, it is essential that vessels built under that program enjoy commercial opportunities on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) BILL TO PROMOTE PROGRAM.—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify to the Federal Maritime Commission, which thereupon, in cooperation with the Secretary of Defense, shall take action to counteract such practices, utilizing all remedies available under section 1002(e)(1) of the Foreign Shipping Practices Act of 1968.

SEC. 1054. AMENDMENTS RELATING TO COMMISION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 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) is amended by inserting “March 1, 2003” and inserting “‘years after the first official meeting of the Commission’”.

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking “30 days” and inserting “‘60 days’.”

SEC. 1055. AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR REPAIR AND CONSTRUCTION OF PENTAGON RESERVATION.

Section 267(e) of title 10, United States Code, is amended by

(1) by redesignating paragraph (2) as paragraph (3); and

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

“(2) The Secretary of Defense may accept monetary contributions made for the purpose of assisting in the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The Secretary shall deposit such contributions in the Fund.”;

and

(3) in paragraph (3), as redesignated, by inserting at the end the following new sentence: “However, contributions accepted under paragraph (2) shall be available for expenditure only for the purpose specified in such paragraph.”

TITLE XI—CIVILIAN PERSONNEL

SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

“§462 Undergraduate training program.

“(a) AUTHORITY TO CARRY OUT PROGRAM.—The Secretary of Defense may authorize the Director of the National Imagery and Mapping Agency to establish an undergraduate training program for employees of the National Imagery and Mapping Agency who are assigned to positions in the National Imagery and Mapping Agency. Such training program may provide for the completion of an undergraduate education, including training in mathematics, computer science, engineering, and foreign languages.

“(b) PURPOSE.—The purpose of the program authorized by this section shall be to:

“(1) To be eligible for assignment under subsection (a), an employee of the National Imagery and Mapping Agency must agree in writing—

“(A) to be available for all phases of the National Imagery and Mapping Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned, the assignment or the employee’s employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily; and

“(B) to continue in the service of the National Imagery and Mapping Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

“(C) to reimburse the United States for the total cost of education (including employee’s pay and allowances) provided under this section to the employee if, before the employee’s completing the educational course of training for which the employee is assigned, the assignment or the employee’s employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily; and

“(D) to reimburse the United States if, after completing the course of training for which the employee is assigned, the employee’s employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily, before the employee’s completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee’s pay and allowances) provided under this section to the employee if the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

“(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in subparagraph (B) is limited to an interest due on such obligation, for all purposes a debt owing the United States.

“(3)(A) A discharge in bankruptcy under title 11, United States Code, shall discharge a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

“(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

“(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year under such agreement, terminates the assignment or the employee’s employment with the National Imagery and Mapping Agency, to satisfy his obligation under an agreement described in paragraph (1) by reimbursing the United States according to a schedule of monthly payments which results in completion of reimbursement within five years after the date of termination of the assignment or employment or earlier at the option of the employee.

“(d) DISCLOSURE REQUIRED.—(1) When an employee is assigned under this section to an institution, the Secretary shall disclose to the institution to which the employee is assigned that the National Imagery and Mapping Agency employs the employee and that the National Imagery and Mapping Agency fulfills the employee’s educational requirements.

“(2) Efforts by the Secretary to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

“SEC. 1102. EDUCATION CONTRIBUTIONS REQUIRED.—The Secretary may, directly or by reimbursement to employees, expenses incident
to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

(1) INAPPLICABILITY OF CERTAIN LAWS.—(a) Chapter 103 and subsection (a) of section 3722 of title 31 shall not apply with respect to this section.

(b) The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.

(c) CLERICAL AMENDMENT.—The table of sections was amended by adding at the end the following new item:

362. Undergraduate training program.

SEC. 1102. PATTERN PROGRAM FOR PAYMENT OF RETRAINING EXPENSES.

(a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—(1) The Secretary of Defense may establish, pursuant to subsection (c), a pattern program to facilitate the reemployment of eligible employees of the Department of Defense who are involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station. Under the pilot program, the Secretary may pay retraining incentives to encourage non-Federal employers to hire and retain such eligible employees.

(2) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the employer agrees—

(A) to employ an eligible employee for at least 12 months at a salary that is mutually agreed to by the employer and the eligible employee; and

(B) to certify to the Secretary the amount of costs incurred by the employer for any necessary training (as defined by the Secretary) provided to such eligible employee in connection with the employment.

(3) The Secretary may pay a retraining incentive to the non-Federal employer upon the employee’s completion of 12 months of continuous employment with that employer. The Secretary shall determine the amount of the incentive, except that in no event may such amount exceed the amount certified with respect to such eligible employee under paragraph (2)(A), or $10,000, whichever is greater.

(4) In a case in which an eligible employee does not remain employed by the non-Federal employer for at least 12 months, the Secretary may pay to the employer a proportionate amount of what would have been the full retraining incentive if the eligible employee had remained employed for such 12-month period.

(b) ELIGIBLE EMPLOYERS.—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, relocation as a result of a transfer of function, or realignment, or change of duty station, except that such term does not include—

(1) a reemployed annuitant under the retirement systems described in section 108 of title 5, United States Code, chapter 83 or chapter 84 of such title, or another retirement system for employees of the Federal Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under chapter 83 or chapter 84 of such title, or chapter 87 of such title, or another retirement system for employees of the Federal Government;

(3) an employee who, upon separation from Federal service, is eligible for an immediate annuity under chapter 83 of such title, or chapter 21 of chapter 84 of such title, and

(4) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(5) The Secretary of Defense shall pay under the pilot program for training commenced after September 30, 2005.

(c) DEFINITIONS.—In this section:

(1) The term “non-Federal employer” means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or an entity in the legislative or judicial branch of the Federal Government.

(2) The term “reduction in force” has the meaning of that term as used in chapter 35 of such title 5.

(3) The term “realignment” has the meaning given that term in section 210 of the Defense Federal Acquisition Regulation System 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 37 of title 5, United States Code, is amended by adding at the end the following new section:

47577. Payment of expenses to obtain professional credentials.

(1) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed professional licenses, and professional certification; and

(2) examinations to obtain such credentials.

(b) The authority under subsection (a) may not be used for the purpose of hiring or retaining employees occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policymaking, or policy-advocating character of the position.

(c) CLERICAL AMENDMENT.—The table of sections at the end of this chapter is amended by adding at the end the following new item:

7577. Payment of expenses to obtain professional credentials.

SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR CERTAIN DEFENSE AND COAST GUARD EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8349(q) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by striking “has 5 or more years of civilian service creditable under” and inserting “is employed subject to” and

(2) in paragraph (2)(B)—

(A) by striking “vested”; and

(B) by striking “, as the term ‘vested participant’ is defined by such system.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 4061(n) of such title is amended—

(1) in paragraph (1)(B), by striking “has 5 or more years of civilian service creditable under” and inserting “is employed subject to”; and

(2) in paragraph (2)(B)—

(A) by striking “vested”; and

(B) by striking “, as the term ‘vested participant’ is defined by such system.”.

SEC. 1105. REMOVAL OF REQUIREMENT THAT DEFENSE MEMBERS BE IN FORMAL DRESS.

Section 5453 of title 5, United States Code, is amended by striking the references to formal dress wherever they occur in the section.

SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS DESIGNATED TO WORK IN THE FEDERAL GOVERNMENT.


SEC. 1107. LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) An employee may be paid premium pay under sections 5542, 5544 (a), (b), and (c), and 5546 of this title only to the extent that the aggregate of such employee’s basic pay and premium pay under those provisions would not exceed the maximum rate payable for GS-15 in effect at the end of such calendar year.

“(b) Subsection (a) shall not apply to any employee of the Federal Aviation Administration and the Department of Defense who is paid premium pay under section 5546a of this title.”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “Subsections (a) and (b)” and inserting “Subsection (a)”;

(B) in paragraph (2), by striking “pay period” and inserting “calendar year”.

SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH STANDARDS AS A BASIS FOR DIFFERENTIAL BACK PAYMENTS AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) PREVAILING RATE SYSTEMS.—Section 5544a of title 5, United States Code, is amended by inserting before the semicolon the following: “(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)”.

(b) GENERAL SCHEDULE PAY RATES.—The first sentence of section 5544c(d) of such title is amended by inserting before the period the following: “(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)”.

(c) APPLICABILITY.—Any administrative or judicial determination after the date of the enactment of this Act concerning differential back payments related to asbestos under section 5544c(4) or 5544d of such title shall be based on the occupational safety and health standards described in such section, respectively.

SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOYEES ABROAD TO ACT AS A NOTARY.

(a) IN GENERAL.—Paragraph (4) of section 104a(b) of title 10, United States Code, is amended—

(1) by inserting “and, when outside the United States, all civilian employees of the Department of Defense, after “duty status”;

(2) by inserting “or the Department of Defense” before “or by statute”.

(b) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ACTING AS A NOTARY.—Paragraph (2) of such section is amended by striking “legal assistance officers” and inserting “legal assistance attorneys”.

SEC. 1110. MONETARY AMENDMENT RESTORED TO ITS PRIOR FORM.

Paragraph (2) of section 5943(d) of title 5, United States Code, is amended to read as such paragraph last read before the enactment of section 122 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 735).
TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

Section 2565 of title 18, United States Code, as redesignated by section 1047(a)(25), is amended—

(1) in subsection (a)—

(A) by striking “CONVEY OR” in the subsection heading and inserting “TRANSFER TITLE TO OR OTHERWISE CONVEY”; and

(B) in paragraph (1)—

(i) by striking “and” after “equipment”; and

(ii) by striking the period at the end of paragraph (2) and inserting “and”; and

(D) by adding at the end the following new paragraph:

“(D) by striking paragraph (3).

(2) the United States and the Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for fiscal year 2002 only to support activities of an organization established for the purpose of (or otherwise given the mission of preparing a comprehensive plan for all items, facilities, and capabilities in Iraq related to weapons of mass destruction.

(b) EXTENSION OF AUTHORITY TO PROVIDE SUPPORT TO CHINA.

(1) the United States and the Russian Federation memorandum of agreement signed in Moscow in June 2000.

(2) Any benefits derived by the United States from the provision of defense articles, defense services, and military education and training described in paragraph (1).

(3) The effect of assistance to foreign countries, defense services, and military education and training described in paragraph (1).
(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2681–873; 22 U.S.C. 6729) is amended in subsection (b)(2) by inserting “and in the case of inspection of Federal Government-owned facilities, such designation may include employees of the Federal Government other than members of the Armed Forces” after “Federal Government”.

(b) Procedures for Inspections.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting “or contractor with the Federal Government” after “Federal Government”.

TITLE XIII—COOPERATIVE THREAT REDUCTION PROGRAMS FOR STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 1301 and other provisions of this Act, Cooperative Threat Reduction programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2681–873; 22 U.S.C. 6729) is amended in subsection (b)(2) by inserting “and in the case of the Federal Government-owned facilities, such designation may include employees of the Federal Government other than members of the Armed Forces” after “Federal Government”.

(b) Procedures for Inspections.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting “or contractor with the Federal Government” after “Federal Government”.

SEC. 1302. COOPERATIVE THREAT REDUCTION PROGRAMS FOR STATES OF THE FORMER SOVIET UNION.

(a) Funding for Specific Purposes.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,400,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,000,000.

(3) For nuclear weapons transportation security in Russia, $9,500,000.

(4) For nuclear weapons storage security in Russia, $56,000,000.

(5) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(6) For activities designated as Other Assessments/Administrative Support, $13,300,000.

(7) For defense and military contacts, $13,700,000.

(8) For activities related to the construction of a chemical weapons destruction facility in Russia, $35,000,000.

(9) For elimination of a chemical weapons production facilities in Russia, $15,000,000.

(10) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $6,000,000.

(11) For weapons of mass destruction infrastructure elimination activities in Ukraine, $6,000,000.

(12) For activities to assist Russia in the elimination of plutonium production reactors, $41,700,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (12) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the fund will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts for fiscal year 2002 for a purpose stated in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after:

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for purposes stated in subsection (a)(3) or any of paragraphs (5) through (12) of subsection (a) in excess of 115 percent of the amount specifically authorized for such program.

SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2001 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–318); and

(2) the multiyear plan required to be submitted for fiscal year 2001 under section 1308(b) of such Act.

SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing how the Secretary will monitor the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in Russia and Ukraine.

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

(a) Prohibition.—No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of the first wing of the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF CERTAIN FOSSIL FUEL ENERGY PLANTS.

Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–318) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “audits” and all that follows through “conducting” and inserting “means (including program management, audits, examinations, and other means) used for its intended purpose, and that such assistance is being used efficiently and effectively;”;

(2) (A) by inserting “and” after “(1)”; and

(B) by striking “that such assistance is being used for its intended purpose” after “(A)” and inserting “and” after “(A)”; and

(C) by striking “and” before “(B)”; and

(D) by striking “such assistance is being used for its intended purpose and that such assistance is being used efficiently and effectively;” after “(B)”.

SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE PROVIDED UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c)(4) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–342) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “audits” and all that follows through “conducting” and inserting “means (including program management, audits, examinations, and other means) used for its intended purpose, and that such assistance is being used efficiently and effectively;”;

(2) (A) by striking “and” after “(1)”; and

(B) by striking “that such assistance is being used for its intended purpose” after “(A)” and inserting “and” after “(A)”; and

(C) by striking “and” before “(B)”; and

(D) by striking “such assistance is being used for its intended purpose and that such assistance is being used efficiently and effectively;” after “(B)”.

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(2) in subparagraph (C), by inserting “and an assessment of whether the assistance being provided is being used effectively and efficiently” before the semicolon; and
(3) in paragraph (D), by striking “audits, examinations, and other”.

SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING OUT COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than March 15, 2002, the Secretary of Defense shall submit to Congress a report describing
(1) the rationale for executing Cooperative Threat Reduction programs under the auspices of the Department of Defense and the justification for maintaining responsibility for any particular project carried out through Cooperative Threat Reduction programs with the Department of Defense;
(2) options for transferring responsibility for carrying out Cooperative Threat Reduction programs to an executive agency (or agencies) other than the Department of Defense, if appropriate; and
(3) how such a transfer might be carried out.

SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.

Section 1385 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 794) is amended by inserting before the period at the end the following: “until the Secretary of Defense submits to Congress a certification that there has been—
“(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;
“(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000,000 to chemical weapons elimination;
“(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;
“(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and
“(5) an agreement by Russia to destroy its chemical weapons production facilities at Voigograd and Novocheboksar.”

TITLE XIV—DEFENSE SPACE REORGANIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the “Defense Space Reorganization Act of 2001.”

SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY TO ESTABLISH POSITION.—The President may establish in the Department of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If that position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth in section 137 of title 10, United States Code, as added by subsection (b).

(b) ORIGIN OF AUTHORITY.—The authority provided in subsection (a) may not be exercised after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—(1) If the authority provided in subsection (a) is exercised, the President shall immediately submit to Congress notification in writing of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date as of which the position is established.
If the President declines to exercise the authority provided in subsection (a), the President shall, before the date specified in subsection (b), submit to Congress a report on how the President intends to execute the recommendations of the report of the Space Commission with respect to the Department of Defense.


(d) CONTINGENT ENACTMENT OF U.S. CODE AMENDMENTS.—If the position of Under Secretary of Defense for Space, Intelligence, and Information is established, the President shall submit to Congress a report on how the position is being executed, and the amendments set forth in subsections (e) and (f) shall be executed, effective as of the date of the report, and in accordance with the first sentence of subsection (c)(1). Otherwise, those amendments shall not be executed.

(e) APPOINTMENT, DUTIES, ETC., OF UNDER SECRETARY.—(1) Subject to subsection (a), chapter 4 of title 10, United States Code, is amended—
(A) by redesignating section 137 as section 139a and transferring such section (as so redesignated) within such chapter so as to appear after section 139; and
(B) by inserting after section 136 the following new section 137:

“(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 5306(a)(2) of title 44.

“(d) The Under Secretary of Defense for Space, Intelligence, and Information shall perform as the principal advisor on policy matters relating to space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe.

“(e) The Secretary of Defense may establish the position of Deputy Under Secretary of Defense for Space, Intelligence, and Information, and the Deputy Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the Department of Defense as the Secretary of Defense may prescribe.

“(f) The Under Secretary of Defense for Space, Intelligence, and Information may establish and delegate duties and responsibilities as the Secretary of Defense may prescribe.

“§ 137. Under Secretary of Defense for Space, Intelligence, and Information

“(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Under Secretary of Defense for Space, Intelligence, and Information shall—
(1) for the planning of the acquisition programs, projects, and activities of the Department of Defense that relate to space; and
(2) for the execution of those programs, projects, and activities.

“(c) ACQUISITION EXECUTIVE.—The Secretary of Defense may designate the Under Secretary of Defense for Space, Intelligence, and Information as the acquisition executive of the Department of Defense for the programs, projects, and activities referred to in subsection (a).”.

(f) CLERICAL AMENDMENT.—The tables of chapters at the beginning of each substantive part of this title, and the beginning of part IV of such substantive part, are amended by inserting after the item relating to chapter 134 the following new item:

“135. Space Programs

2271. Executive agent

2271. Executive agent

(a) REQUIREMENT.—The Secretary of Defense may create a major force program category for space programs of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—If the category under subsection (a) is created, the Secretary of Defense shall include in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 1405. COMPETITOR GENERAL ASSISTANT SECRETARIES OF DEFENSE.

(a) ASSESSMENT.—(1) The Comptroller General shall carry out an assessment through February 15, 2003, of the recommendations of the report of the Space Commission.

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Armed Services of the Senate and the Committee on Armed Services of the House of
Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND. 
(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section: 
"The Secretary of Defense may require that the officer serving as commander of the Air Force Space Command not serve simultaneously as commander of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: 
"§8584. Commander of Air Force Space Command."

SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER FIELD IN THE AIR FORCE FOR SPACE. 
The Secretary of the Air Force, acting through the Under Secretary of the Air Force, may establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and management of space systems for the Air Force.

SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE. 
Nothing in this title or the amendments made by this title shall modify, alter, or supersede the authorities and responsibilities of the Director of Central Intelligence.

TITLE XV.—ACTIVITIES TO COMBAT TERRORISM

Subtitle A—InCREASED FUNDING TO COMBAT TERRORISM

SEC. 1501. INCREASED FUNDING. 
(a) IN GENERAL.—The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby increased by $400,000,000, to be available as follows: 
(1) INTELLIGENCE PROGRAMS.—For increased situational awareness and upgrades to intelligence programs to enhance United States security posture, $100,000,000.

(b) ANTI-TERRORISM INITIATIVES.—For enhanced anti-terrorism and force protection initiatives to reduce vulnerabilities at United States military installations and facilities in the United States and worldwide, $150,000,000.

(3) COUNTER-TERRORISM INITIATIVES.—For offensive counter-terrorism initiatives, $100,000,000.

(b) CONSEQUENCE MANAGEMENT ACTIVITIES.—For consequence management activities, $50,000,000.

(b) TRANSFER AUTHORITY.—The amounts specified in subsection (a) are available for transfers between accounts of the Department of Defense, as determined by the Secretary of Defense.

(c) OFFSETTING REDUCTIONS.—(1) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide is hereby reduced by $265,000,000, to be derived from amounts for the Ballistic Missile Defense Organization, of which—

(A) $145,000,000 shall be derived from the Mid-Course Defense Segment program element.

(B) $120,000,000 shall be derived from the Boost Phase Defense Segment program element (FEDS0898SC) for space-based activities.

(2) The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby reduced by $135,000,000, to be derived from amounts for consulting services.

SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS. 
Funds transferred under authority of section 1501(a) shall be merged with, and be available for the same time period as, the appropriations to which transferred. The transfer authority under that section is in addition to the transfer authority provided by section 1001.

Subtitle B—Policy Matters Relating to Combating Terrorism

SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE ABILITY TO RESPOND TO TERRORIST ATTACKS. 
(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the ability of the Department of Defense to provide support for the consequence management activities of other Federal, State, and local agencies, directly into account the terrorist attacks on the United States on September 11, 2001, and the changed situation regarding terrorism.

(b) RECOMMENDATIONS.—The Secretary of Defense shall submit to the President and Congress a report providing recommendations for ways to enhance the ability of the Department of Defense to provide support described in section (a). The report shall address the recommendations made by the Vice President in his report to the President on the development of a coordinated national effort to improve national preparedness, including efforts to combat terrorism, as directed by the President in May 2001. The report shall be submitted not later than 60 days after the date on which the Vice President submits to the President the report under the preceding sentence.

SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY TO PROTECT THE UNITED STATES FROM AIRBORNE THREATS. 
Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States. The report shall identify improvements that can be made to enhance the security of the American people against these threats and shall recommend actions, including legislative proposals, to address and overcome existing vulnerabilities.

SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS A NATIONAL SECURITY MISSION. 
Section 108(b)(2) of the National Security Act of 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting "including acts of terrorism," after "aggression".

SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION WITH FEDERAL AND STATE AGENCIES FOR COUNTER-TERRORISM EFFORTS. 
The Secretary of Defense shall seek an agreement with the Director of the Federal Bureau of Investigation and the Director of the Federal Emergency Management Agency which clarifies the roles of Department of Defense Weapons of Mass Destruction Civil Support Teams in relation to both agencies with respect to coordination of the roles and missions of those teams in support of crisis management and consequence management efforts.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE DEFINITION. 
(a) SHORT TITLE.—This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2002.


TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS. 
(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authority of appropriations in section 210(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>Amnicott Army Depot</td>
<td>$5,150,000</td>
</tr>
<tr>
<td>Alaska</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td></td>
<td></td>
</tr>
<tr>
<td>California</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colorado</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fort Rucker</td>
<td></td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Richstone Arsenal</td>
<td></td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Fort Richardson</td>
<td></td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Fort Wainwright</td>
<td></td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Fort Huachuca</td>
<td></td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Fort Benning</td>
<td></td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Fort Sill</td>
<td></td>
<td>$43,000,000</td>
</tr>
<tr>
<td>Fort Gordon</td>
<td></td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Fort Stewart/Gunter Army Field</td>
<td></td>
<td>$39,400,000</td>
</tr>
<tr>
<td>Fort Benning</td>
<td></td>
<td>$5,100,000</td>
</tr>
<tr>
<td>Wheeler Army Field</td>
<td></td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Fort Riley</td>
<td></td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Fort Campbell</td>
<td></td>
<td>$88,000,000</td>
</tr>
</tbody>
</table>
and in the amounts, set forth in the following table:

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>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Area Support Group, Ramberg</td>
<td>$60,000,000</td>
</tr>
<tr>
<td></td>
<td>Area Support Group, Darmstadt</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Baumberger</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Hanau</td>
<td>$7,000,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Mannheim</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>Westerwald Air Base</td>
<td>$65,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Carroll</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Casey</td>
<td>$8,500,000</td>
</tr>
<tr>
<td></td>
<td>Camp Hovey</td>
<td>$35,750,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$14,500,000</td>
</tr>
<tr>
<td></td>
<td>Camp Jackson</td>
<td>$6,100,000</td>
</tr>
<tr>
<td></td>
<td>Camp Stanley</td>
<td>$28,000,000</td>
</tr>
<tr>
<td></td>
<td>Kwajalei Atoll</td>
<td>$11,000,000</td>
</tr>
<tr>
<td></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)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified Worldwide</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 Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>37 Units</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>72 Units</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>160 Units</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>40 Units</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>76 Units</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>54 Units</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$61,700,000</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 improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2805 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,018,077,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,089,416,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $243,743,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2803 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section
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October 17, 2001

2807 of title 10, United States Code, $163,676,000.

(6) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $294,576,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,102,732,000.

(7) For the construction of a cadet development center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261, 112 Stat. 2182), $37,900,000.


(11) For the construction of phase 2 of a battle simulation center at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-389), as amended by section 2105 of this Act, $27,000,000.

(12) For the construction of phase 1 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-389), as amended by section 2105 of this Act, $9,000,000.

(13) For the construction of phase 1 of a barracks complex, Longstreet Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-389), $27,000,000.

(14) For the construction of a multipurpose digital training range at Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-389), as amended by section 2105 of this Act, $13,000,000.

(15) For a housing complex, 17th & B Street, at Fort Richardson, Alaska, authorized under section 2201 (a) for construction of a barracks complex, $10,119,000, to remain available until expended.

(16) Limitation on total cost of construction projects.—Notwithstanding the cost variations 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 2101 of this Act may not exceed—

1. The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

2. $52,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, $6,000,000); and

3. $41,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a barracks complex, $6,000,000).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

1. $36,168,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

2. $75,417,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 ACT PROJECTS.

(a) Modification.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking "$69,400,000" in the amount column and inserting "$69,400,000";

(2) in the item relating to Fort Drum, New York, by striking "$18,000,000" in the amount column and inserting "$21,000,000";

(3) in the item relating to Fort Hood, Texas, by striking "$36,492,000" in the amount column and inserting "$39,492,000"; and

(b) Conforming Amendments.—Section 2104 of that Act (114 Stat. 1654A-391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "$1,935,744,000" after "$1,935,744,000";

(2) in subsection (b)(2), by striking "$22,600,000" and inserting "$27,000,000";

(3) in subsection (b)(3), by striking "$10,000,000" and inserting "$13,000,000"; and

(4) in subsection (b)(6), by striking "$6,000,000" and inserting "$9,000,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<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>$23,270,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Air-Ground Task Force Training Center, Twentynine Palms</td>
<td>$75,125,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Camp Pendleton</td>
<td>$4,470,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$3,680,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$96,490,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, El Centro</td>
<td>$23,520,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Wrangell, Alaska</td>
<td>$10,010,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$39,492,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicolas Island</td>
<td>$3,370,000</td>
</tr>
<tr>
<td></td>
<td>Naval Amphibious Base, Coronado</td>
<td>$8,610,000</td>
</tr>
<tr>
<td></td>
<td>Naval Construction Battalion Center, Port Hueneme</td>
<td>$12,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Construction Training Center, Port Hueneme</td>
<td>$3,780,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$47,240,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, Washington</td>
<td>$9,810,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Key West</td>
<td>$11,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$2,140,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>$16,420,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Pensacola</td>
<td>$3,700,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Kaneohe</td>
<td>$24,920,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine Louisville</td>
<td>$6,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Shipyards, Pearl Harbor</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Pearl Harbor</td>
<td>$40,600,000</td>
</tr>
<tr>
<td></td>
<td>Navy Public Works Center, Pearl Harbor</td>
<td>$16,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Training Center, Great Lakes</td>
<td>$62,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Crane</td>
<td>$14,930,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Brunswick</td>
<td>$67,395,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Patuxent River</td>
<td>$2,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, St. Inigoes</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Explosive Ordnance Disposal Training Center, Indian Head</td>
<td>$1,250,000</td>
</tr>
<tr>
<td></td>
<td>Naval Construction Battalion Center</td>
<td>$27,460,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Meridian</td>
<td>$3,400,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Support Activity, Kelsey City</td>
<td>$9,010,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$4,650,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$67,070,000</td>
</tr>
</tbody>
</table>

District of Columbia

Florida

Hawaii

Illinois

Indiana

Maine

Maryland

Mississippi

Missouri

North Carolina
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

<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, Larissa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Station, Guam</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Navy Public Works Center, Guam</td>
<td>$15,800,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Naples</td>
<td>$2,830,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Signorella</td>
<td>$3,060,000</td>
</tr>
<tr>
<td>Spain</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 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Naval Support Activity Joint Headquarters Command, Larissa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Construction Battalion, Gulfport</td>
<td>$23,354,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$124,347,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriation 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 2801 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 $230,834,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS. NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,389,608,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $980,018,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2201(a)(5)(A), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Naval Support Activity Joint Headquarters Command, Larissa</td>
<td>$12,240,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Construction Battalion, Gulfport</td>
<td>$23,354,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Support Activity, Joint Base Diego</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$124,347,000</td>
</tr>
</tbody>
</table>

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS. NAVY.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205 of title 10, United States Code, $10,546,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205 of title 10, United States Code, $9,300,000.

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (9) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—
(1) $6,854,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and
(2) $13,652,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828) is amended—
(1) in the item relating to Camp H.M. Smith, Hawaii, by striking "$86,050,000" in the amount column and inserting "$89,050,000"; and
(2) by striking the amount identified as the total in the amount column and inserting "$820,230,000".

(b) CONFORMING AMENDMENTS.—Section 2204 of that Act (113 Stat. 830) is amended—
(1) in subsection (a), in the matter preceding paragraph (1), by striking "$2,108,070,000" and inserting "$2,111,070,000"; and
(2) in subsection (b)(3), by striking "$70,000,000" and inserting "$73,100,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>...........................</td>
<td>$34,400,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>...........................</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>...........................</td>
<td>$22,200,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>...........................</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>California</td>
<td>...........................</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>...........................</td>
<td>$11,300,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>................................</td>
<td>$25,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>...........................</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>...........................</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>...........................</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>...........................</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>...........................</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>...........................</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>...........................</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>...........................</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>...........................</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>...........................</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Utah</td>
<td>...........................</td>
<td>$2,111,070,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>...........................</td>
<td>$2,111,070,000</td>
</tr>
<tr>
<td>Washington</td>
<td>...........................</td>
<td>$2,111,070,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>...........................</td>
<td>$2,111,070,000</td>
</tr>
<tr>
<td>Total:</td>
<td>...........................</td>
<td>$822,320,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>...........................</td>
<td>$42,900,000</td>
</tr>
<tr>
<td>Greenland</td>
<td>...........................</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Guam</td>
<td>...........................</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>...........................</td>
<td>$10,150,000</td>
</tr>
<tr>
<td>Korea</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>...........................</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>...........................</td>
<td>$101,142,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>...........................</td>
<td>$22,400,000</td>
</tr>
<tr>
<td>Total:</td>
<td>...........................</td>
<td>$268,192,000</td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location 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>...........................</td>
<td>$42,900,000</td>
</tr>
<tr>
<td>Greenland</td>
<td>...........................</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Guam</td>
<td>...........................</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>...........................</td>
<td>$10,150,000</td>
</tr>
<tr>
<td>Korea</td>
<td>...........................</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>...........................</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>...........................</td>
<td>$101,142,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>...........................</td>
<td>$22,400,000</td>
</tr>
<tr>
<td>Total:</td>
<td>...........................</td>
<td>$268,192,000</td>
</tr>
</tbody>
</table>
(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $370,879,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,526,034,000 as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Travis Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Joint Base Pearl Harbor</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barstow Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>Family Housing</td>
<td>$4,458,000</td>
</tr>
</tbody>
</table>

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION DESIGN ACTIVITIES.—Construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $370,879,000.

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1), (2), and (3) of subsection (a) and paragraphs (1) and (2) of subsection (a) is $32,972,000, which represents the combination of savings resulting from adjustment to foreign currency exchange rates for military family housing support outside the United States.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-399) is amended—

(1) in the item relating to McGuire Air Force Base, New Jersey, by striking “$29,772,000” in the amount column and inserting “$32,972,000”;

(b) CONFORMING AMENDMENTS.—Section 2304(b)(2) of that Act (114 Stat. 1654A-402) is amended by striking “$9,400,000” and inserting “$12,600,000”.

TITLE XIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Location or Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Demilitarization</td>
<td>Blue Grass Army Depot, Kentucky</td>
<td>$47,220,000</td>
</tr>
<tr>
<td>Defense Education Activity</td>
<td>Laurel Bay, South Carolina</td>
<td>$12,850,000</td>
</tr>
<tr>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$4,458,000</td>
<td></td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot Tracey, California</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution New Cumberland, Pennsylvania</td>
<td>$19,900,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Pearl Harbor, Hawaii</td>
<td>$9,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir, Virginia</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Leavenworth, Kansas</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Leonard, Missouri</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Eustis, Virginia</td>
<td>$800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Huachuca, Arizona</td>
<td>$800,000</td>
</tr>
<tr>
<td>Special Operations Command</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>$3,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss, Texas</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Greely, Alaska</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Huachuca, Arizona</td>
<td>$5,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood, Texas</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Irwin, California</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base, Florida</td>
<td>$12,000,000</td>
</tr>
</tbody>
</table>
SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2401(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2605 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 appropriated for the years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,421,319,000 as follows:

(1) For military construction projects outside the United States authorized by section 2401(a), $707,164,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2605 of title 10, United States Code, $24,592,000.

(4) For contingency construction projects of the Secretary of Defense under section 2604 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2607 of title 10, United States Code, $74,406,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.


(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naval Station, San Diego, California</td>
<td></td>
<td>$13,650,000</td>
</tr>
<tr>
<td>Andrews Air Force Base, Maryland</td>
<td></td>
<td>$10,250,000</td>
</tr>
<tr>
<td>Offutt Air Force Base, Nebraska</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td>F. E. Warren Air Force Base, Wyoming</td>
<td></td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Fort Hood, Texas</td>
<td></td>
<td>$21,200,000</td>
</tr>
<tr>
<td>Fort Stewart/Hunter Army Air Field, Georgia</td>
<td></td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Holloman Air Force Base, New Mexico</td>
<td></td>
<td>$5,700,000</td>
</tr>
<tr>
<td>Hurlburt Field, Florida</td>
<td></td>
<td>$8,800,000</td>
</tr>
<tr>
<td>Marine Corps Base, Camp Pendleton, California</td>
<td></td>
<td>$1,150,000</td>
</tr>
<tr>
<td>Marine Corps Logistics Base, Albany, Georgia</td>
<td></td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Naval Air Station, Whiskey Island, Washington</td>
<td></td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Naval Hospital, Tewksbury, Massachusetts</td>
<td></td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Naval Station, Mayport, Florida</td>
<td></td>
<td>$24,200,000</td>
</tr>
<tr>
<td>Naval Station, Norfolk, Virginia</td>
<td></td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Schriever Air Force Base, Colorado</td>
<td></td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Pentagon Reservation, Virginia</td>
<td></td>
<td>$25,600,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$325,228,000</td>
</tr>
</tbody>
</table>

Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
</table>

TRICARE Management Activity

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anacostia Air Base, Italy</td>
<td></td>
<td>$3,047,000</td>
</tr>
<tr>
<td>Gelilienkoven Air Base, Germany</td>
<td></td>
<td>$1,733,000</td>
</tr>
<tr>
<td>Heidelberg, Germany</td>
<td></td>
<td>$3,312,000</td>
</tr>
<tr>
<td>Kaiserslautern, Germany</td>
<td></td>
<td>$1,499,000</td>
</tr>
<tr>
<td>Kitzingen, Germany</td>
<td></td>
<td>$1,394,000</td>
</tr>
<tr>
<td>Landstuhl, Germany</td>
<td></td>
<td>$1,444,000</td>
</tr>
<tr>
<td>Ramstein Air Force Base, Germany</td>
<td></td>
<td>$2,814,000</td>
</tr>
<tr>
<td>Royal Air Force, Alconbury, United Kingdom</td>
<td></td>
<td>$22,132,000</td>
</tr>
<tr>
<td>Vogelweh Annex, Germany</td>
<td></td>
<td>$1,558,000</td>
</tr>
<tr>
<td>WestOtterndorf, Germany</td>
<td></td>
<td>$1,379,000</td>
</tr>
<tr>
<td>Wurzenburg, Germany</td>
<td></td>
<td>$2,684,000</td>
</tr>
<tr>
<td>Anderson Air Force Base, Guam</td>
<td></td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Camp Casey, Korea</td>
<td></td>
<td>$5,150,000</td>
</tr>
<tr>
<td>Naval Station, Rota, Spain</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Yokota Air Base, Japan</td>
<td></td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Columbus Air Base, El Salvador</td>
<td></td>
<td>$13,977,000</td>
</tr>
<tr>
<td>Heidelberg, Germany</td>
<td></td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Laken Field, Asmara, Portugal</td>
<td></td>
<td>$3,750,000</td>
</tr>
<tr>
<td>Thule, Greenland</td>
<td></td>
<td>$10,800,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>$140,162,000</td>
</tr>
</tbody>
</table>
ed by striking "$184,000,000" and inserting "$321,238,000".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2406(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193) is amended—

(1) under the heading relating to Chemical Demilitarization, in the item relating to Aberdeen Proving Ground, Maryland, by striking "$136,350,000" in the amount column and inserting "$223,939,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$727,616,000".

(b) CONFORMING AMENDMENTS.—Section 2406(b)(3) of that Act (112 Stat. 2196) is amended by striking "$138,000,000" and inserting "$135,600,000".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.


SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP FORWARD OPERATING LOCATION ON ARUBA FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" in chapter 3 of title III of the Emergency Supplemental Appropriations Act, 2000 (Public Law 106-246; 114 Stat. 578), may be used by the Department of Defense to develop any forward operating location on the island of Aruba to serve as a location from which the United States Southern Command could conduct counter-drug detection and monitoring flights.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) CONFORMING AMENDMENT.—Section 2501(b)(3) of that Act (113 Stat. 839) is amended—

(1) by striking "$564,000,000" and inserting "$363,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$2,900,000,000".

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2506 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for 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 $192,600,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions to the North Atlantic Treaty Organization Security Investment Program, as follows:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $304,915,000; and

(B) for the Army Reserve, $175,017,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $501,001,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $197,472,000; and

(B) for the Air Force Reserve, $79,132,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program and authorizations of appropriations therefor shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program and authorizations of appropriations therefor for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXCEPTION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:
**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1884), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-408), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army National Guard: 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>Massachusetts</td>
<td>Westfield</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td>Spartanburg</td>
<td></td>
<td></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>Delaware</td>
<td>Dover Air Force Base</td>
<td></td>
<td>$8,999,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td></td>
<td>$9,657,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td></td>
<td>$6,400,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td></td>
<td>$5,600,000</td>
</tr>
</tbody>
</table>

**Army: Extension of 1998 Project Authorization**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td></td>
<td>$7,800,000</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></td>
<td>$13,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station, Miramar</td>
<td></td>
<td>$29,881,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Naval Complex, New Orleans</td>
<td></td>
<td>$11,930,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christi</td>
<td></td>
<td>$22,250,000</td>
</tr>
</tbody>
</table>

**Southeast Air Force Base, Texas.**

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT THRESHOLDS.**

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking "$500,000" and inserting "$750,000";

(2) in subsection (c)(1)(A), by striking "$1,800,000" and inserting "$2,500,000"; and

(3) in subsection (c)(1)(B), by striking "$500,000" and inserting "$750,000".

**SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION FROM LIMITATION ON AUTHORIZED COST VARIATIONS.**

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply:

(1) to the settlement of a contractor claim under a contract; or

(2) to the costs associated with the required remediation of an environmental hazard in connection with a military construction project or military family housing project, such as asbestos removal, radon abatement, lead-based paint removal or abatement, or any other legally required environmental hazard remediation, if the required remediation could not have reasonably been anticipated at the time the project was approved originally by Congress."

**SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.**

(a) REPEAL.—Section 2861 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter III of title 10, United States Code, is amended by striking the item relating to section 2861.

**SEC. 2804. PERMANENT AUTHORIZATION FOR ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) REPEAL OF TERMINATION PROVISION.—Section 2885 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter IV of title 10, United States Code, is amended by striking the item relating to section 2885.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN RECREATIONAL ACTIVITIES.**

Section 2871 of title 10, United States Code, is amended—

(1) by transferring subsection (b) to the end of the section and redesignating such subsection, as so transferred, as subsection (e); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Subsection (a) shall not apply with respect to all or certain specified hunting, fishing, or trapping at a military installation or facility if the Secretary of Defense determines that the application of the State or Territory fish and game laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public safety or adverse effects on morale, welfare, or recreation activities at the installation or facility. The Secretary may not waive or modify the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping if any fee imposed by a State or Territory to obtain such a license."

**SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR FORCE BASE, TEXAS.**

(a) INDEMNIFICATION OF TRANSFERRORS.—Section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106-246; 114 Stat. 520), is amended—

(1) by striking subsection (n); and

(2) by redesignating subsection (m) as subsection (n); and

(3) by inserting after subsection (l) the following new subsection:

"(m) INDEMNIFICATION OF TRANSFERRORS.—(1) With respect to the disposal of real property under subsection (e) at the Base as part of the Project, the Secretary shall hold harmless, defend, and indemnify in full the
Community and other persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fees arising out of any personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the threatened release, the release, or any hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

"(2) The persons and entities referred to in paragraph (1) are the:

(A) any officer, agent, employee of the Community that acquires ownership or control of any real property at the Base as described in paragraph (1);

(B) The State of Texas or any political subdivision of the State (including any officer, agent, employee of the State or political subdivision) that acquires such ownership or control;

(C) Any other person or entity that acquires such ownership or control.

"(3) To the extent the persons and entities described in paragraph (2) for options for the release or threatened release, paragraph (1) shall not apply.

"(4) No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification:

(A) Notifies the Department of Defense in writing within two years after such claim accrues or within such other time as the Secretary determines.

(B) Provides, upon request, copies of pertinent papers the entity receives.

(C) Furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) Provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

"(5) In any case in which the Secretary determines that it is not in the interest of the community that either the threatened release or release contributed to the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

"(6) For purposes of paragraph (4)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

"(7) Nothing in this subsection shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9620(h)).

"(8) In this subsection, the terms "facility", "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601).

"(9) The following is added to subsection (n) of such section, as redesignated by subsection (a)(2), as amended by striking "part (ii) of the Secretary of Defense appointed by the President with the advice and consent of the Senate".

SEC. 2821. USE OF BUILDINGS ON MILITARY INSTALLATIONS BY THE RED CROSS AND OTHER NATIONAL ORGANIZATIONS.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation available for use as a polling place in any Federal, State, or local election for public office.

"(2) 'Once a building is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.'

"(3) In this subsection, the term 'military installation' has the meaning given in section 2687(e) of this title.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of such title is amended by adding at the end the following new subsection: "(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.'

"(2) Section 18236 of such title is amended by adding at the end the following new subsection: "(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).

SEC. 2822. LEASE BACK OF BASE CLOSURE PROPERTY.

(a) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) as subparagraphs (F), (G), (H), and (I), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

"(E)(i) The Secretary may transfer real property at an installation for base closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government.

"(ii) The Secretary may transfer real property at a military installation for base closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government.

(b) 1990 LAW.—Section 205(b)(4)(E) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-500; 10 U.S.C. 2687 note) is amended—

(1) by striking the words "the term "lease" as used in this section" in paragraph (4); and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

"(E)(i) The Secretary may transfer real property at an installation for base closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government.
than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include:

(1) Municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(2) The firefighting or security-guard functions.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND EXCHANGE, FOR TOWN OF KALENDON, RHODE ISLAND.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (a) of section 2832 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 857) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary may convey to the City all right, title, and interest of the United States in and to an additional parcel of real property, including improvements thereon, at the Rock Island Arsenal consisting of approximately .513 acres.”

(b) DESCRIPTION OF PROPERTY.—Subsection (b) of such section is amended—

(1) by inserting “(1)” before “As consideration”;

(2) by striking “subsection (a)” both places it appears and inserting “subsection (a)(1)”; and

(3) by adding at the end the following new paragraph:

“(2) As consideration for the conveyance under subsection (a)(2), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .063 acres and located on the parcel on the City’s expense, a new access ramp to the Rock Island Arsenal.”

SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT DIX, NEW JERSEY.

Section 2835(c) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2004) is amended by adding at the end the following new paragraph:

“(3) Notwithstanding paragraphs (1) or (2), the Borough and Board may exchange between each other, without the consent of the Secretary, or the conveyance of the real property conveyed under subsection (a)(2) so long as the property continues to be used by the grantees for economic development or educational purposes.”

SEC. 2833. LEASE AUTHORITY, FORT DE RUSSY, HAWAII.

Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) and section 2813(b) of the Military Construction Authorization Act, 1989 (Public Law 101–192; 103 Stat. 1255; 10 U.S.C. 2364), the Secretary of the Navy may enter into a lease with the City of Honolulu, Hawaii, for the purpose of making available to the City a parcel of real property at Fort DeRussy, Hawaii, for the construction of a parking facility.

SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the Nisqually Tribe, a federally recognized Indian tribe whose tribal lands are located within the State of Washington, all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements thereon, consisting of approximately 416 acres that are owned by the county, are within the boundaries of Fort Lewis, and are currently leased by the Army, and

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Nisqually Tribe shall—

(1) acquire from Thurston County, Washington, several parcels of real property consisting of approximately 416 acres that are owned by the county, are within the boundaries of Fort Lewis, and are currently leased by the Army, and

(2) convey fee title over the acquired property to the Secretary.

(c) ROYALTY FOR BONNEVILLE POWER ADMINISTRATION.—The Secretary may use the authority provided in section 2588 of title 10, United States Code, to convey to the Bonneville Power Administration a right-of-way that authorizes the Bonneville Power Administration to use real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electric transmission lines and appurtenances to facilitate the removal of such transmission lines from tribal lands of the Nisqually Tribe.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and acquired under subsection (b) shall be determined by the Secretary to the Nisqually Tribe. The cost of the survey shall be borne by the recipient of the property.

(e) ADDITIONAL TERMINATION CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE PIPELINE TANK FARM, ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Port of Anchorage, an entity of the Municipality of Anchorage, Alaska, all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements, facilities, equipment, fixtures, and other personal property thereon, consisting of approximately 48 acres in Anchorage, Alaska, which are known as the Whittier-Anchoraghe Pipeline Tank Farm, for the purpose of permitting the Port of Anchorage to use the parcels for economic development.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to transfer the real property as open space or for other public purposes.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary. The survey shall be borne by the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as “the Port Authority”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 29 acres, including any improvements thereon, and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the real property, together with any improvements, facilities, equipment, fixtures, and other personal property thereon, to the Port Authority in exchange for security agreements, the real property, and maintenance services provided by the Port Authority for the real property.

(c) CONDITIONS OF CONVEYANCE.—(1) The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(A) accept the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, in their condition at the time of the conveyance or lease, as the case may be; and

(B) except as provided in paragraph (2), use the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, whether directly or through an agreement with a public or private entity, for economic development, redevelopment, or retention purposes, including the creation or preservation of jobs and employment opportunities, or such other public purposes as the Port Authority determines appropriate.

(2) The Port Authority may at any time convey, lease, or sublease, as the case may be, the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, to a public or private entity under a lease or sublease described in paragraph (1)(B).

(d) INSPECTION.—The Secretary may permit the Port Authority to review and inspect the improvements, facilities, equipment, fixtures, and other personal property thereon, and make such improvements, as the Secretary determines are appropriate, to the extent necessary to protect the interests of the United States.

SEC. 2843. LEASE AUTHORITY, PORT DE RUSSY, HAWAII.

Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) and section 2813(b) of the Military Construction Authorization Act, 1989 (Public Law 101–192; 103 Stat. 1255; 10 U.S.C. 2364), the Secretary of the Navy may enter into a lease with the City of Honolulu, Hawaii, for the purpose of making available to the City a parcel of real property at Fort DeRussy, Hawaii, for the construction of a parking facility.

SEC. 2844. LEASE AUTHORITY, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Interior may lease the property located or based on the parcel described in subsection (a)(1) for purposes of the conveyance authorized by that subsection and the lease authorized by subsection (b).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be leased under this section shall be determined by a survey satisfactory to the Secretary. The survey shall be borne by the Secretary of the Interior.
Section 2826. WATER RIGHTS CONVEYANCE, ANDERSEN AIR FORCE BASE, GUAM.—
(a) AUTHORITY. —The Secretary of the Air Force shall convey, in accordance with the conveyance of the water supply system for Andersen Air Force Base, Guam, under the authority of section 2688 of title 10, United States Code, and in accordance with all the requirements of that section, the Secretary of the Air Force may convey all right, title, and interest of the United States in and to the water rights related to the following Air Force properties located on Guam:—
(1) Andy South, also known as the Andersen Administrative Annex.
(2) Mariana Bonsis Base Command.
(3) Andersen Water Supply, Guam, also known as the Tumon Water Well or the Tumon Maui Well.
(b) ADDITIONAL REQUIREMENTS.—The Secretary may exercise the authority contained in subsection (a) only if—
(1) the Secretary determines that adequate supplies of potable groundwater exist under the jurisdiction of the Secretary of the Air Force Base to meet the current and long-term requirements of the installation for water;
(2) the Secretary determines that such supplies of groundwater are economically obtainable; and
(3) the Secretary requires the conveyance of the water rights under subsection (a) to provide a water system capable of meeting the water supply needs of the main base and other property located on Andersen Air Force Base, as determined by the Secretary.
(c) INTERIM WATER SUPPLIES.—If the Secretary determines that it is in the best interest of the United States to do so, the Secretary may convey to the Secretary of the Navy water rights and utility systems at Andy South and Andersen Water Supply Annex becoming surplus to Andersen Air Force Base, and the Secretary may require that the United States shall be reimbursed in the amount of consideration otherwise received for such conveyance.
(d) SALE OF EXCESS WATER AUTHORIZED.—For purposes of section 2688 of title 10, United States Code, the water rights referred to in subsection (a) shall be considered as part of a utility system (as that term is defined in subsection (h)(2) of that section).
all right, title and interest of the United States in and to a parcel of real property known as "Defense Fuel Support Point", including any improvements thereon, located in Lyon County, Nevada, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary, and the cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions of conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SECTION 2681. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF ARMED FORCES RECREATION FACILITY, PARK CITY, UTAH.

(a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of Federal land in Park City, Utah, excluding any improvements thereon, that consists of approximately 35 acres, is located in township 2 south, range 7 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purpose Act, 43 U.S.C. 609 et seq.), and still in effect as of the date of enactment of this Act.

(3) The transfer required by this subsection shall be completed not later than one year after the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an armed forces recreation facility to be developed using non-appropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the armed forces recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the armed forces recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to paragraph (2) or (3), to another party that may enter into a contract with the party for the design, construction, and operation of the armed forces recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an arrangement is necessary for the contractor to agree to design, construct, and operate the facility.

(e) LIMITATION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

SECTION 2682. SELECTION OF SITE FOR UNITED STATES ARMED FORCES RECREATION AND RELATED LAND TRANSFERS FOR THE IMPROVEMENT OF ARLINGTON NAVAL ANNEX, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) The term "Arlington Naval Annex" means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879).

(2) The term "Foundation" means the Air Force Memorial Foundation, which was authorized by the Public Law 103-163 (40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term "Air Force Memorial" means the United States Air Force Memorial to be established by the Foundation.

(b) DESCRIPTION OF PROPERTY.—(1) The Arlington Ridge tract means the parcel of Federal land in Arlington County, Virginia, known as the Nevisus Tract and acquired from the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(2) The term "Air Force Memorial tract" means the parcel of Federal land in Arlington County, Virginia, known as the Nevisus Tract and acquired from the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(D) North Meade Street to the west.

(c) OFFER OF PORTION OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.—Within 60 days after the date of the enactment of this Act, the Secretary of Defense shall offer to the Foundation an option to use, without reimbursement, up to three acres of the Arlington Naval Annex as the site within which the Foundation will construct the Air Force Memorial. The offered acreage shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(d) ACCEPTANCE OR REJECTION OF OFFER.—(1) DEADLINE.—Within 90 days after the date on which the Secretary of Defense makes the offer required by subsection (b), the Foundation shall provide written notice to the Secretary of the decision of the Foundation to accept or decline the offer.

(2) EFFECT OF ACCEPTANCE.—If the Foundation accepts the offer of the Secretary of Defense, the Foundation shall relinquish all claims to the property now transferred to the Air Force Memorial. No other commemorative work may thereafter be established on the Arlington Naval Annex property.

(3) EFFECT OF DECLINE.—If the Foundation declines the offer of the Secretary of Defense, the Foundation may resume its efforts to construct the Air Force Memorial on the Arlington Ridge tract from the farthest point of progress. Any administrative record compiled during previous proceedings related to the offer of the Secretary of Defense shall be preserved, and all deadlines tolled, while the Foundation is considering the property for the memorial within the Arlington Naval Annex.

(e) PREPARATION FOR CONSTRUCTION OF AIR FORCE MEMORIAL.—PREPARATION FOR CONSTRUCTION.—Not later than two years after the date on which the Foundation accepts the offer made under subsection (b) and has available sufficient funds for construction of the memorial, the Secretary of Defense, in coordination with the Foundation, shall remove all structures and prepare the Arlington Naval Annex site for use as may be necessary to permit construction of the memorial and appropriate access.

(f) CONSTRUCTION OF MEMORIAL.—Upon the removal of structures and preparation of the property for use as required by paragraph (1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site.

(g) RELATION TO OTHER TRANSFER AUTHORITY.—Nothing in this section alters the existing relationship of the Arlington Naval Annex to the Secretary of the Army and the management of the transferred land for use as part of Arlington National Cemetery, as required by section 288 of the Military Construction Authorization Act for Fiscal Year 2000.

(h) OVERSIGHT.—The Secretary of Defense shall have exclusive authority over all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the design, construction, and management of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(i) ACCESS AND MANAGEMENT OF RESULTING AIR FORCE MEMORIAL.—The Secretary of the Army shall incorporate the Arlington Ridge tract into Arlington National Cemetery and may designate and use up to 15 acres of that portion of the tract as the Netherlands Carillon and Marine Corps Memorial as new in-ground burial sites, for both full casket and cremated remains, for the burial of eligible individuals in Arlington National Cemetery. Burial sites shall not be developed within 50 feet of the pathway, in existence as of the date of the enactment of this Act, that connects the Netherlands Carillon and Marine Corps Memorial or the existing roadways that circles the Marine Corps Memorial. No other structures shall be permitted on the Arlington Ridge tract.

(j) USE OF LAND.—The Secretary of the Army shall incorporate the Arlington Ridge tract into Arlington National Cemetery and may designate and use up to 15 acres of that portion of the tract as the Netherlands Carillon and Marine Corps Memorial as new in-ground burial sites, for both full casket and cremated remains, for the burial of eligible individuals in Arlington National Cemetery. Burial sites shall not be developed within 50 feet of the pathway, in existence as of the date of the enactment of this Act, that connects the Netherlands Carillon and Marine Corps Memorial or the existing roadways that circles the Marine Corps Memorial. No other structures shall be permitted on the Arlington Ridge tract.

(k) ACCESS AND MANAGEMENT OF EXISTING MEMORIALS.—The Secretary of the Army and the Secretary of the Interior shall enter into cooperative agreements with the Commissary General of the National Park Service management of the Netherlands Carillon and the Marine Corps
Memorial and to guarantee public access to these locations.

(g) Land transfer, section 29.—

(1) Transfer required.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army, the administrative jurisdiction over that portion of Chemawa located more than 50 feet from Sherman Drive and located between Or and Wetzel Drive and the southern boundary of the existing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 483 of title 37, United States Code.

(c) Condition on continuation availability of housing units.—Effective after the end of the first four-year period after the date of the enactment of this section, the Trust shall have no obligation to make housing units available unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least $80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional two years.

(b) Increased borrowing authority and technical corrections.—Paragraphs (2) and (3) of section 194(d) of title I of the Omnibus Parks and Public Land Management Act of 1996, as amended by section 334 of appendix C of Public Law 106–113 (113 Stat. 1501A–199) and amended and redesignated subsection (1) by Public Law 106–176 (114 Stat. 25), are amended—

(a) by striking “including a review of the creditworthiness of the loan and establishing a loan repayment schedule” after the second place it appears; and
(b) by striking paragraph (3) of.
vicinity of the lands withdrawn under sub-
section (a) before taking action affecting
rights or cultural resources protected by
treaty or Federal law.
SEC. 2904. MANAGEMENT OF WITHDRAWN
AND RESERVED LANDS.
(a) GENERAL MANAGEMENT AUTHORITY.—
During the withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in such paragraph.

(b) TEMPORARY PROHIBITION ON CERTAIN USE.—Military use of the lands withdrawn and reserved by this title that result in ground disturbances, as determined by the Secretary of the Army and the Secretary of the Interior, are prohibited until the Secretary of the Army and the Secretary of the Interior in implementing this section.

SEC. 2905. WATER RIGHTS.
(a) NO RESERVED WATER RIGHT ESTAB-
lished.—Nothing in this title shall be construed to authorize the appropriation of water for any such previously acquired or reserved water rights.

SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVI-
RONMENTAL RESPONSE REQUIREMENTS.
(a) AGREEMENT CONCerning ENVIRONMENT AND PUBLIC HEALTH.—The Secretary of the Army and the Secretary of the Interior may enter into such agreements as they determine are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) RELATION TO OTHER ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to alter the rights, responsibilities, and obligations of the Secretary of the Army and the Secretary of the Interior in implementing the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other environmental laws applicable to the lands withdrawn and reserved by this title.

SEC. 2907. WEST MOJAVE COORDINATED MAN-
AGEMENT PLAN.
(a) COMPLETION.—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) CONSIDERATION OF WITHDRAWAL AND RESER-
VATION IMPACTS.—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) CONSULTATION.—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration whenever proposed Army activities or the environmental management of the Goldstone Deep Space Communications Complex have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. The requirement for consultation shall be in accordance with the following:

(1) Plans for military training, military equipment testing, or related activities that have the potential to impact communications between the Goldstone Deep Space Communications Complex and space flight missions or other transmission or receipt of signals from outer space by the Goldstone Deep Space Communications Complex.

(2) The integrated natural resources management plan required by subsection (d).

(3) The West Mojave Coordinated Management Plan.


(5) USE OF MINERAL MATERIALS.—Notwith-
standing any other provision of this Act or the Secretary of the Interior's lease of the lands, the Secretary of the Interior, the Secretary of the Army, and any predecessor in interest of the United States shall have the right to use mineral material resources of the subject to disposition under such Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training Center.

SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.
Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)), and are no longer subject to the requirements of such section pertaining to the management of wilderness study areas in a manner that would impair the suitability of such areas for preservation as wilderness.

SEC. 2909. TRAINING ACTIVITY SEPARATION FROM POT
city Coordinators.
(a) REQUIRED SEPARATION.—All military ground activity training on the lands withdrawn and reserved by this title shall remain at military training or activity centers, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and other environmental laws applicable to the lands withdrawn and reserved by this title.

(b) EXCEPTION.—Subsection (a) does not modify the use of any lands used, as of the date of enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

SEC. 2910. DURATION OF WITHDRAWAL AND RESER-
vation.
(a) TERMINATION DATE.—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate 25 years after the date of the enactment of this Act.

(b) LIMITATION ON SUBSEQUENT AVAIL-
ABILITY FOR APPROPRIATION.—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms
of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order that shall state the date upon which such lands shall be restored to the public domain and opened.

SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL PROVISION
(a) Notification Requirement.—Not later than three years before the termination date specified in section 2909(a), the Secretary of the Army proposes to use or de- 
(t) Consult with the Secretary of the Interior concerning any adjustments to be made to the Army's jurisdiction concerning such, needed lands; and
(b) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such needed lands.

(b) Application Requirements.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension of the withdrawal and reservation made by this title shall be considered to be complete if the application includes the information required by section 3 of Public Law 93–548 (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) Submission of Proposed Extension to Congress.—The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation made by this title. The legislative proposal shall be accompanied by an appropriate analysis of environmental impacts associated with the withdrawal and reservation, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)).

SEC. 2912. TERMINATION AND RELINQUISHMENT.
(a) Notification Termination.—During the first 22 years of the withdrawal and reservation made by this title, if the Secretary of the Army determines that there is will take all jurisdiction over lands covered by a notice under subsection (a) before the termination date of the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—
1. terminate the withdrawal and reservation of such lands under this title;
2. constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior;
3. state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.
(b) Retained Army Jurisdiction.—Notwithstanding the termination date specified in paragraph (a), if the Secretary of the Army accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for the Secretary of the Army for the limited purposes of environmental response and restoration actions under section 2906 and continued land management responsibilities pursuant to the integrated natural resources management plan required under section 2904, until such environmental response and restoration activities on those lands are completed.

(ec) Severability of Functions.—All functions described under this section, including transfers, relinquishments, and other determinations, may be made on a parcel-by-parcel basis.

SEC. 2913. DELEGATION OF AUTHORITY
(a) Secretary of the Army.—The Secretary of the Army may delegate to officials in the Department of the Army such functions as the Secretary of the Army may determine appropriate to carry out this title.
(b) Secretary of the Interior.—The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 2902(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

DIVISION C—DEPARTMENT OF ENERGY

SEC. 2915. DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

 Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,859,885,000, to be allocated as follows:
(I) Weapons Activities. For weapons activities, $5,369,488,000, to be allocated as follows:
(a) For weapons operation and maintenance, $4,527,192,000, to be allocated as follows:
(1) For directed stockpile work, $1,045,791,000.
(2) For designs, $2,036,413,000, to be allocated as follows:
(a) For operation and maintenance, $1,653,441,000.
(b) For construction, $382,972,000, to be allocated as follows:
(1) Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.
(2) Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $30,000,000.
(3) Project 00–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.
(4) Project 01–D–117, stockpile management, Pantex Plant, Amarillo, Texas, $2,000,000.
(b) For engineering, restoration, planning, construction, acquisition, modification of facilities, and the continuation of programs authorized in prior years, and land acquisition related thereto), $154,664,000, to be allocated as follows:
(1) For operation and maintenance, $1,292,324,000.
(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of programs authorized in prior years, and land acquisition related thereto), $7,700,000.

Project 01–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.
Project 02–D–103, project design and engineering, various locations, $4,527,192,000.
Project 01–D–124, high- enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $9,500,000.
Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $50,600,000.
Project 01–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.
Project 02–D–129, stockpile management restructuring initiative, Savannah River Plant, Aiken, South Carolina, $1,653,441,000.
Project 08–D–129, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,850,000.
Project 09–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.
Project 09–D–130, project engineering, various locations, $77,571,000.
Project 01–D–126, stockpile stewardship activities, Savannah River Plant, Aiken, South Carolina, $50,600,000.
Project 01–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 09–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.
Project 09–D–130, project engineering, various locations, $77,571,000.
Project 01–D–126, stockpile stewardship activities, Savannah River Plant, Aiken, South Carolina, $50,600,000.
Project 01–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 09–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.
Project 09–D–130, project engineering, various locations, $77,571,000.
Project 01–D–126, stockpile stewardship activities, Savannah River Plant, Aiken, South Carolina, $50,600,000.
Project 01–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 09–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.
Project 09–D–130, project engineering, various locations, $77,571,000.
Project 01–D–126, stockpile stewardship activities, Savannah River Plant, Aiken, South Carolina, $50,600,000.
Project 01–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.
(i) For operations and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows: Project 01-D-210, immobilization and associated processing facility, Savannah River Site, Aiken, South Carolina, $6,754,000. Project 01-D-212, project completion, Savannah, Georgia, $2,846,000.

(3) NAVAL REACTORS.—For naval reactors, $439,281,000, to be allocated as follows: Project 03-A-206, Neptunium production facility, Idaho, $3,021,200,000, to be allocated as follows: (A) For operation and maintenance, $1,761,979,000.

(b) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows: Project 03-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(c) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $352,416,000, to be allocated as follows: (i) For operation and maintenance, $372,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $60,516,000, to be allocated as follows: Project 01-D-416, treatment and immobilization plant, Richland, Washington, $520,471,000.

Project 09-D-402, tank farm restoration and operations, Richland, Washington, $33,873,000.

Project 94-D-407, initial tank retrieval system, Richland, Washington, $6,844,000.

(4) SCIENCE AND DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $3,021,200,000, to be allocated as follows: (i) For operations and maintenance, $1,300,000.

(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), $832,468,000, to be allocated as follows: Project 01-D-470, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $34,000,000.

Project 99-D-141, pit decontamination and conversion facility, Savannah River Site, Aiken, South Carolina, $16,000,000.

Project 99-D-143, mixed oxide fuel fabrication facility, Savannah River Site, Aiken, South Carolina, $5,400,000.

Project 99-D-144, immobilization and associated processing facility, Savannah River Site, Aiken, South Carolina, $3,000,000.

Project 99-D-146, fissile materials disposition, Savannah River Site, Aiken, South Carolina, $57,000,000, to be allocated as follows: (i) For Russian plutonium disposition, and support and oversight in the United States, $56,000,000.

(ii) For advanced reactor technology, $1,000,000.

(iii) For program direction, $51,450,000.

(H) For energy applications, $56,000,000, to be allocated as follows: (A) For energy applications, $56,000,000.

(i) For program direction, $5,400,000.

(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows: Project 99-A-206, Neptunium production facility, Idaho, $3,021,200,000, to be allocated as follows: (A) For operation and maintenance, $1,761,979,000.

(i) For operations and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,662,000, to be allocated as follows: Project 01-D-200, major office replacement building, Schenectady, New York, $9,000,000.

Project 99-N-112, expended core dry fuel project, Naval Reactors Facility, Idaho, $1,000,000.

(B) For program direction, $22,600,000.

(4) DEFENSE NUCLEAR COUNTERTELEPHONE.—For defense nuclear counterintelligence, $13,662,000.

(5) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $1,064,000,000, to be allocated as follows: Project 02-D-220, FB line plutonium stabilization and handling system, Savannah River Site, Aiken, South Carolina, $20,000,000.

Project 01-D-402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 01-D-414, preliminary project, engineering and design (PE&D), various locations, $10,254,000.

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,400,000.

Project 99-D-406, major office replacement, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,700,000.

Project 99-D-433, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 99-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chillier retrofit, Savannah River Site, Aiken, South Carolina, $1,244,000.

Project 86-D-163, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-CLOSURE COMPLETION.—For post-2006 component environmental restoration and waste management activities necessary for national security pro-

(5) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, $15,000,000.
Health, $105,293,000, to be allocated as follows:

(R) For environment, safety, and health (defense), $84,500,000.

(2) For program direction, $20,793,000.

(W) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $21,900,000, to be allocated as follows:

(A) For worker and community transition, $15,000,000.

(B) For program direction, $2,900,000.

(W) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(3) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(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 time 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 amounts 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 to provide funds for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall submit to the congressional defense committees a report explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project unless the total estimated cost, whether the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs that have a higher priority than the items from which the funds are transferred; and

(b) May not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfers of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENTS FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a conceptual design project that is a part of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design project before submitting a request for funds for the construction project.

The requirement of paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) for any construction project if the total estimated cost for such design does not exceed $1,000,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $1,000,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds made available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) for any activity until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.
(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. TRANSFER AUTHORITY FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, where necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) GENERAL.—Any amounts appropriated, or funds available, pursuant to an authorization of appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriation Act shall be expended only until the end of fiscal year 2003.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS AT FIELD OFFICES OF THE DEPARTMENT OF ENERGY.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The transfer shall be carried out by a manager of a field office under subsection (a) unless the head of the laboratory or facility determines that the transfer will result in cost savings and efficiencies.

(3) A transfer may not be carried out under subsection (a) to cover cost overrun or scheduling delay for any program.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized.

(c) EXCEPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3131 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

Subsection (b) of section 3131 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1861), as amended by section 3131 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–389; 114 Stat. 1634–1642), is amended to read as follows:

“(d) TERMINATION.—(1) The Office shall terminate on the later to occur of the following dates:

“(A) September 30, 2010.

“(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that the continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

“(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

“(3) In this subsection, the term ‘Tri-Party Agreement’ means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology for the Hanford Site.

SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) TRANSFER AUTHORITY.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall provide the head of each national security laboratory and nuclear weapons production facility with the authority to transfer weapons activities funds from a program under the jurisdiction of such laboratory or facility to another such program.

(b) LIMITATIONS.—(1) The amount transferred under subsection (a) by a laboratory or facility in a fiscal year may not exceed the lesser of—

(A) $5,000,000; and

(B) 10 percent of the total weapons activities funds available to that laboratory or facility in that fiscal year for programs under the jurisdiction of such laboratory or facility.

(2) A transfer may not be carried out under subsection (a) unless the head of the laboratory or facility determines that the transfer will result in cost savings and efficiencies.

(3) A transfer may not be carried out under subsection (a) to cover cost overrun or scheduling delay for any program.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3131 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ‘program’ means, with respect to a national security laboratory or nuclear weapons production facility, any of the following:

(A) A program referred to or listed in paragraph (1) of section 3101.

(B) A program not described in subparagraph (A) that is for weapons production or weapons component production of the National Nuclear Security Administration that is being carried out by the laboratory or facility.

(2) The term ‘weapons activities funds’ means funds appropriated to the Department of Energy pursuant to an authorization for weapons activities of the National Nuclear Security Administration in carrying out programs necessary for national security.

(3) The terms ‘national security laboratory’ and ‘nuclear weapons production facility’ have the meanings given such terms in section 3131 of the Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471).

(4) DURATION OF AUTHORITY.—The heads of the national security laboratories and nuclear weapons production facilities may exercise the authority provided under subsection (a) during fiscal year 2002.

SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PROTECTION, RICHLAND, WASHINGTON.


“(f) TERMINATION.—(1) The Office shall terminate on the later to occur of the following dates:

“(A) September 30, 2010.

“(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that the continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

“(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

“(3) In this subsection, the term ‘Tri-Party Agreement’ means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology for the Hanford Site.

SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINISTRATOR.—(1) Subtitle A of the National Nuclear Security Administration Act is amended by inserting after section 3213 (50 U.S.C. 2463) the following new section:

“SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.

“(a) IN GENERAL.—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

“(2) The Principal Deputy Administrator shall be appointed from among persons who—

“(A) Have extensive background in national security, organizational management, and appropriate technical fields; and

“(B) Are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

“(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.

“(c) Table of Contents.—The table of contents preceding section 3201 of such Act is amended by inserting after the item relating to section 3213 the following new item:

“Sec. 3213A. Principal Deputy Administrator.”.

(3) Section 5315 of title 5, United States Code, is amended—

“(i) by inserting before the item relating to Deputy Administrators of the National Nuclear Security Administration the following new item:

“Principal Deputy Administrator, National Nuclear Security Administration;” and

Subtitle C—Program Authorizations, Restrictions, and Limitations
(b) Consultation With Market Impact Committee.—In disposing of materials under subsection (a), the President shall consult with the Market Impact Committee to ensure that the disposal of the materials does not disrupt the usual markets of producers, processors, and consumers of the materials.

(c) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in the table in such subsection.

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<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bauxite, Refractory</td>
<td>40,000 short tons</td>
</tr>
<tr>
<td>Chromium Metal</td>
<td>5,312 short tons</td>
</tr>
<tr>
<td>Indium</td>
<td>25,140 tons</td>
</tr>
<tr>
<td>Jewels Beads</td>
<td>30,527,121 pieces</td>
</tr>
<tr>
<td>Manganese, Ferric HC</td>
<td>209,674 short tons</td>
</tr>
<tr>
<td>Palladium</td>
<td>11,565 pieces</td>
</tr>
<tr>
<td>Quartz Crystal</td>
<td>10,648 pounds</td>
</tr>
<tr>
<td>Tantalum Metal Ingot</td>
<td>120,728 pounds of contained Tantalum</td>
</tr>
<tr>
<td>Tantalum Metal Powder</td>
<td>36,656 pounds of contained Tantalum</td>
</tr>
<tr>
<td>Thorium Nitrate</td>
<td>650,000 pounds</td>
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</tbody>
</table>

**Authorized Stockpile Disposals**
H7096

CONGRESSIONAL RECORD — HOUSE

October 17, 2001

SEC. 3404. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COALBAY FROM NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED DURING FISCAL YEAR 2002.—Subsection (a)(1) of section 3355 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 96 note) is amended by striking “fiscal year 2003” and inserting “the two-fiscal year period ending September 30, 2002.”

(b) DESIGNATION OF DISPOSAL AUTHORITY.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: “The Secretary may dispose of such quantities of coal disposed of under such subsection during fiscal year 2002 may not exceed 700,000 pounds.”

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 49 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002.

Funds are hereby authorized to be appropriated for fiscal year 2002, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $89,054,000.

(2) For payment of the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $103,978,000, of which:

(A) $100,000,000 for the cost (as defined in section 502(a) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantee commitments under the program; and

(B) $3,978,000 for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

SEC. 3502. DEFINE “WAR RISKS TO VESSELS TO INCLUDE CONFINEMENT, EXPROPRIATION, NATIONALIZATION, AND DEPRIVATION OF THE VESSELS.”

Section 1201(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1201(c)) is amended to read as follows:

“(c) The term ‘war risks’ includes to such extent as the Secretary may determine—

“(1) all or any part of any loss that is excluded from marine insurance coverage under a ‘free of capture or seizure’ clause, or under analogous clauses; and

“(2) other losses from hostile acts, including confiscation, expropriation, nationalization, or deprivation.”

SEC. 3503. HOLDING OBLIGOR’S CASH AS COLLATERAL UNDER TITLE XI OF MERCHANT MARINE ACT, 1936.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), is amended by inserting after section 1108 the following:

“SEC. 1109. DEPOSIT FUND.—(a) Establishment of deposit fund.—There is established in the Treasury a deposit fund for the purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor as collateral for a guarantee under this title made with respect to the obligor—

“(1) Agreement.—

“(1) In general.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, and reimbursement of cash of the obligor held in the deposit fund established by subsection (a).

“(2) Terms.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

“(3) Security interest of United States.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

“(c) Investment.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b).

“(d) Withdrawals.—

“(1) In general.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

“(2) Use of income.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

“(3) Retention against default.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

“The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON S. 1438

Mr. STUMP, Mr. Speaker, by direction of the Committee on Armed Services and pursuant to the provisions of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The motion to instruct the conference offered by Mr. STUMP was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. STERN FROM ROSA DELAURA DISTRICT

Mr. STERN moves that the House instruct the conferees on the National Defense Authorization Act of fiscal year 2002 to recede and accept section 652 of the Senate-passed bill. This section would authorize survivors of nonretirement-eligible service members who die while on active duty to participate in this Survivor Benefit Plan.

The tragic attack on the Pentagon on September 11 has brought to light inequitable treatment between Survivor Benefit Plan participants who die while on active duty and those who retire or are retirement eligible. Under the current Survivor Benefit Plan, known as SPB, only retired or retirement-eligible service members are entitled to participate in this program. Upon retirement, including medical retirement, a service member pays monthly premiums which entitle him or her to an annuity upon the service member’s death. However, if a service member dies as a result of active duty, his or her dependents are not entitled to receive SPB if this service member died.

For example, let us say there are three active duty service members on a helicopter, Alpha, Bravo, and Charlie, on deployment somewhere in the Middle East. Alpha has served for over 20 years. Bravo and Charlie have served for 19 1/2 years. The helicopter crashes. Alpha, who is retirement eligible and participate in SPB, perishes in the crash. Since he is retirement eligible, his dependents are eligible to receive an annuity. Bravo, who has served 19 1/2 years, survives the crash and is medically retired, but passes away. Because he is medically retired, his survivors also are entitled to an SPB annuity. Charlie, on the other hand, also has served 19 1/2 years, and he perishes in the crash. Because he is not retirement eligible, his survivors are not entitled to any SPB annuity.

The difference in benefit eligibility is determined by whether or not the service member is retirement eligible at the time of death.

Mr. Speaker, the situation I just described played out in real life, sadly, on September 11, when that airplane crashed into the Pentagon. SPB participants were treated differently depending on whether they were retired, retirement eligible or not. That is simply not fair. We owe it to those who
gave their lives on that fateful day to fix this inequity.

Section 652 of the Senate-passed Defense Authorization Act would correct this injustice. My motion instructs the conference to agree to this provision. We have a moral obligation to ensure that those who volunteer to defend this Nation in uniform are treated fairly and equitably. I strongly urge my colleagues to support this motion to instruct conferees to accept section 652. It is not only the honorable thing to do; it is the right thing to do.

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

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

Mr. Speaker, I support the motion of the gentleman in that it endorses the provision of the Senate bill that would broaden the Survivors Benefit Plan to include members of the armed services who die while on active duty. Providing this coverage is fair and the right thing to do. It ensures that an annuity will be paid to the surviving family of a service member who dies while on active duty.

The Survivors Benefit Plan provides an annuity to dependents of military retirees or retirement eligible service members. When a retirement ineligible service member dies, families receive Dependency and Indemnity Compensation, even though all were involved in the same accident.

In Vietnam in April 2001, while surveying potential sites for excavation to recover remains of Americans who were missing in action from the Vietnam War, a helicopter crashed, killing sixteen. Benefit packages for families of two of those victims were calculated, based on what their families would receive if their deaths were on “active duty” compared to what would be received if their parents were killed or were medically retired. In the case of Lieutenant Colonel Cory, if he had been medically retired, his family would have received Survivor Benefits, which amounts to $750 more a month than the active duty Dependency and Indemnity Compensation, which they now receive. In the case of Sergeant First Class Murphy, another victim of the crash, his wife and two children are receiving $313 less a month than what they would have been entitled if he had been medically retired. Both of these soldiers were retirement eligible; however, because they were killed instantly, there was no time to process paperwork, their families now suffer financial loss on top of losing a loved one.

Unless this provision is accepted and included in the Fiscal Year 2002 Defense Authorization Act, the families of victims of tragedy who were retirement ineligible will receive fewer benefits than if there had been the opportunity to complete medical retirement paperwork. All of these families have suffered enough. There is a discrepancy in the current law, and this provision aims to correct that disparity.

Many leaders have stepped forward in support of this provision. General Hugh Shelton, former Chairman of the Joint Chiefs of Staff stated during his tenure that “in the absence of legislative relief, medical retirement requirements place an undue burden on both commanders in the field and fleet and, more tragically, on families that are denied important and deserving benefits.” I urge my colleagues to support the motion to instruct the conferees to accept the Senate provision and broaden the Survivors Benefit Plan to families of those who die while on active duty.

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

Mr. SKELTON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection. The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following congressee: and, without objection, the list will be printed at this point in the RECORD.

There was no objection.

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. STUMP, HUNTER, HANSEN, WELDON of Pennsylvania, HFELEY, SAXTON, MCHUGH, EVERETT, BART- MANN of Missouri, MODEROW of Oklahoma, THORNHILL, HOSTETTLER, CHAMBLISS, SKELOTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEK, UNDER-WOOD of Texas, and SNYDER of South Carolina.

From the Permanent Select Committee on Intelligence, for consideration for matters within the jurisdiction of that committee clause 11 of rule 12. Mes. GOSSE, BU- KERUTER, and MR. PAUL.

From the Committee on Education and the Workforce, for consideration of secs. 314, 315, 316, 319, 320, 321, 322, 323 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference: Mes. CASTLE, ISAOKON, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration for secs. 314, 316, 601, 663, 3134, 3141, 3143, 3152, 3153, 3159, 3171-3181, and 3351 of the Senate bill, and secs. 601, 3131, 3132, and 3201 of the House amendment, and modifications committed to conference: Mes. TAUZIN, BARTON, and DINGELL.

From the Committee on Government Reform, for consideration for secs. 564, 622, 803, 813, 901, 1044, 1051, 1065, 1075, 1102, 1111-1113, 1134-1136, 2852, 3113 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811-819, 1101, 1108-1109, 1110, and 3132 of the House amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON, CASTLE, WELDON of Florida, and WAXMAN.

Provided that Mr. DAVIS of Virginia is appointed in lieu of Mr. WELDON (FL) for consideration of secs. 611-819 of the House amendment, and modifications committed to conference.

Provided that Mr. HORN is appointed in lieu of Mr. WELDON (FL) for consideration of secs. 611-819 of the House amendment, and modifications committed to conference.

Provided that Mr. SMITH (MS) is appointed in lieu of Mr. WELDON (FL) for consideration of secs. 333 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference.

Provided that Mr. UDALL of Colorado is appointed in lieu of Mr. UDALL of Colorado for consideration of secs. 601, 663, 2823, and 3171-3181 of the Senate bill, and secs. 1011, 1201, 1202, 1205, 1209, Title XIII, and sec. 3353 of the House amendment, and modifications committed to conference: Messers. HYDE, GILMAN, and LANTOS.

Provided that Mr. RAHALL of West Virginia is appointed in lieu of Mr. RAHALL of West Virginia for consideration of secs. 611-819 of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONVERSE.

Provided that Mr. REED of Michigan is appointed in lieu of Mr. REED of Michigan for consideration of secs. 564, 622, 803, 813, 901, 1044, 1051, 1065, 1075, 1102, 1111-1113, 1134-1136, 2852, 3113 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811-819, 1101, 1108-1109, 1110, and 3132 of the House amendment, and modifications committed to conference: Messers. HIBBON, RADANOVICH, and RAHALL.

Provided that Mr. SMITH of Colorado is appointed in lieu of Mr. SMITH of Colorado for consideration of secs. 3171-3181 of the Senate bill, and modifications committed to conference.

Provided that Mr. SMITH of Colorado is appointed in lieu of Mr. SMITH of Colorado for consideration of secs. 3171-3181 of the Senate bill, and modifications committed to conference: Messers. BOEHLERT, SMITH of Michigan, and HALL of Texas.

Provided that Mr. EHLERS is appointed in lieu of Mr. EHLERS for consideration of secs. 3171-3181 of the Senate bill, and modifications committed to conference.

From the Committee on Small Business, for consideration of secs. 822-824 and 1068 of
H7098

CONGRESSIONAL RECORD — HOUSE

the Senate bill, and modifications committed to conference: Messrs. MANZULLO,
COMBEST, and Ms. VELAZQUEZ.
From the Committee on Transportation
and Infrastructure, for consideration of secs.
563, 601, and 1076 of the Senate bill, and secs.
543, 544, 601, 1049, and 1053 of the House
amendment, and modifications committed to
conference: Messrs. YOUNG of Alaska,
LOBIONDO, and BROWN of Florida.
Provided that Mr. PASCRELL is appointed
in lieu of Mr. BROWN (FL) for consideration
of sec. 1049 of the House amendment, and
modifications committed to conference.
From the Committee on Veterans Affairs,
for consideration of secs. 538, 539, 573, 651, 717,
and 1064 of the Senate bill, and sec. 641 of the
House amendment, and modifications committed to conference: Messrs. SMITH of New
Jersey, BILIRAKIS, and FILNER.
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MOTION TO CLOSE CONFERENCE
COMMITTEE MEETINGS ON S.
1438, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2002
Mr. STUMP. Mr. Speaker, pursuant
to clause 12 of rule XXII, I move that
meetings of the conference committee
between the House and Senate on S.
1438 may be closed to the public at such
times as classified national security information may be broached, provided
that any sitting Member of Congress
shall be entitled to attend any meeting
of the conference.
The SPEAKER pro tempore. Does the
gentleman seek time to debate the motion?
Mr. STUMP. No, sir.
The SPEAKER pro tempore. The
question is on the motion offered by
the gentleman from Arizona (Mr.
STUMP).
Under the rule, the vote must be
taken by the yeas and nays.
This will be a 15-minute vote, followed by a 5-minute vote on approval
of the Journal.
The vote was taken by electronic device, and there were—yeas 420, nays 0,
not voting 10, as follows:
[Roll No. 391]
YEAS—420
Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)

Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette

Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins

John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
MillenderMcDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens

Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt

Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter

October 17, 2001
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)

Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10
Burton
Conyers
Cubin
Frelinghuysen

LaTourette
Miller (FL)
Price (NC)
Reyes

Roukema
Sweeney

b 1205
So the motion was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.
f

THE JOURNAL
The SPEAKER pro tempore (Mr.
THORNBERRY). Pursuant to clause 8 of
rule XX, the pending business is the
question of agreeing to the Speaker’s
approval of the Journal of the last
day’s proceedings.
The question is on the Speaker’s approval of the Journal.
The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.
RECORDED VOTE

Mr. THUNE. Mr. Speaker, I demand a
recorded vote.
A recorded vote was ordered.
The SPEAKER pro tempore. This is a
5-minute vote.
The vote was taken by electronic device, and there were—ayes 365, noes 34,
not voting 31, as follows:
[Roll No. 392]
AYES—365
Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)

Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom

Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman


Mr. SKEEN. Mr. Speaker, as the manager of this conference agreement, I ask unanimous consent that a table on the various accounts in the bill agreed to by the Congress be included at this point.

Mr. SKEEN. Mr. Speaker, I call up Mr. OBEY. Mr. Speaker, reserving the right to object, I intend not to object to the request of the gentleman from New Mexico.

Mr. OBEY. Mr. Speaker, reserving the right to object, I object. I simply make this observation in order to afford the gentleman an opportunity to explain what it is we are objecting to. There is no objection to the request of the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I call up Mr. SKEEN. Mr. Speaker, the request of the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, as the manager of this conference agreement, I urge Members to revise and extend their remarks on the conference report to accompany H.R. 2217, and that I may include tabular and extraneous material. I simply make this observation in order to afford the gentleman an opportunity to explain what it is we are objecting to. There is no objection to the request of the gentleman from New Mexico.

Mr. OBEY. Mr. Speaker, reserving the right to object, I intend not to object to the request of the gentleman from New Mexico. There was no objection.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. SKEEN. Mr. Speaker, I call up the conference report to accompany the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and ask unanimous consent that a table on the various accounts in the bill agreed to by the Congress be included at this point.

Mr. OBEY. Mr. Speaker, reserving the right to object, I object. I simply make this observation in order to afford the gentleman an opportunity to explain what it is we are objecting to. There is no objection to the request of the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, as the manager of this conference agreement, I urge Members to revise and extend their remarks on the conference report to accompany H.R. 2217, and that I may include tabular and extraneous material. I simply make this observation in order to afford the gentleman an opportunity to explain what it is we are objecting to. There is no objection to the request of the gentleman from New Mexico.

Mr. OBEY. Mr. Speaker, reserving the right to object, I intend not to object to use any of the hour on general debate.

Mr. Speaker, we bring before the House the conference agreement on H.R. 2217—the Interior and Related Agencies Appropriations Act for fiscal year 2002.

Let me take a moment to thank the members of the Interior subcommittee for their support and guidance this year. I want to extend a special personal thanks to the ranking minority member, NORM DICKS, for his extraordinary assistance in helping to shape this bill.

This is a good agreement. It provides $19.1 billion for our public lands, for Indian programs, for critical science and energy research programs, and for cultural institutions like the Smithsonian. Within that total there is $1.32 billion for the conservation spending initiative, which is the full amount available under the law for the Interior bill.

Let me cover just a couple of the highlights. The conference agreement includes $210 million for Payments in Lieu of Taxes, $600 million for maintenance on our public lands and $144 million for State land and water conservation grants, an increase of $54 million above the enacted level. There is $275 million for low income weatherization assistance and State energy grants, an increase of $84 million above the enacted level. There is $150 million for a new clean coal power initiative, a key component of the Administration’s National Energy Policy. All of these areas are Presidential priorities.

The agreement also extends the recreation fee demonstration program for two years. Under this program, the National parks, forests, wildlife refuges, and other public lands retain fees they collect and use them to make repairs and other improvements that enhance the visitor experience. I am pleased to report that nearly $1 billion has been collected since the program was begun by this Subcommittee in fiscal year 1997.

The conference agreement also provides $120 million to continue the Everglades restoration program and over $200 million for building schools and hospitals for American Indians and Alaska Natives.

The agreements have $2 billion to continue the National fire plan in fiscal year 2002. This includes funds for firefighting, restoration, hazardous fuel reduction, and community assistance.

The National Endowment for the Arts is funded at $98 million and there is $17 million for the Challenge America Arts Fund. These are the same amounts as in the House-passed bill.

I want to thank the staff in both the House and the Senate and on both sides of the aisle for their hardwork and long hours in getting the agreement in shape and making sure the numbers all worked within our allocation.

This is a good conference report; it conforms to our allocation; it balances the many competing needs of the programs under the jurisdiction of the Interior and Related Agencies Subcommittee; and I urge Members to support it.

Mr. Speaker, I ask that a table on the various accounts in the bill agreed to by the Congress be included at this point.

So the Journal was approved.

The result of the vote was announced as above recorded.
## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### TITLE I - DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

Management of lands and resources…………………………………………………… 733,118 724,312 726,711 746,952 746,632 (+13,516)

Emergency appropriations…………………………………………………………… 17,134 17,134 17,134

Conservation…………………………………………………………………………… 26,000 26,000 26,000

Supplemental appropriations (P.L. 107-20)………………………………………… 3,000 3,000 3,000

Total, Management of lands and resources……………………………………… 753,250 750,312 756,711 776,952 776,632 (+22,382)

#### Wildland fire management:

Preparedness………………………………………………………………………… 314,712 290,607 290,607 290,607 290,607 (+34,105)

Fire suppression operations………………………………………………………… 109,985 161,424 161,424 111,814 127,424 (+15,588)

Other operations……………………………………………………………………… 9,976 216,190 259,576 396,000 216,190 (+266,212)

Contingent emergency funds………………………………………………………… 542,544 542,544 542,544

Contingent emergency appropriations (Suppression)……………………… 50,000 50,000 50,000 50,000 (+50,000)

Contingent emergency appropriations (Other operations)…………………… 20,000 20,000 20,000 20,000 (+20,000)

Total, Wildland fire management………………………………………………… 977,099 658,421 700,806 659,421 678,421 (+98,678)

Central hazardous materials fund………………………………………………… 9,978 9,978 9,978 9,978 9,978

Construction…………………………………………………………………………… 16,823 10,976 11,078 12,976 13,076 (+3,074)

Payments in lieu of taxes…………………………………………………………… 199,560 195,000 195,000 170,000 160,000 (+36,660)

Conservation…………………………………………………………………………… 50,000 50,000 50,000 50,000 (+50,000)

Total, Payments in lieu of taxes………………………………………………… 199,560 195,000 195,000 200,000 220,000 (+20,000)

Land acquisition……………………………………………………………………… 56,545 56,545

Conservation…………………………………………………………………………… 47,586 47,586 47,586 49,920 (+49,920)

Oregon and California grant lands………………………………………………… 104,038 105,165 105,165 106,061 105,165 (+1,127)

Range Improvements (indefinite)…………………………………………………… 10,000 10,000 10,000 10,000 10,000 (+10,000)

Service charges, deposits, & forfeitures (indefinite)…………………………… 7,464 8,000 8,000 8,000 (+664)

Miscellaneous trust funds (indefinite)…………………………………………… 12,405 11,000 11,000 11,000 11,000 (-405)

Total, Bureau of Land Management…………………………………………… 2,147,182 1,771,538 1,875,422 1,859,084 1,871,162 (+275,090)

Appropriations……………………………………………………………………… 1,587,504 1,197,852 1,174,736 1,164,288 1,186,672 (+102,376)

Conservation…………………………………………………………………………… (73,666) (126,668) (124,668) (126,668) (+124,668)

Emergency appropriations…………………………………………………………… (17,134) (17,134) (17,134)

Contingent emergency appropriations……………………………………… (542,544) (70,000) (54,000) (+466,544)

### United States Fish and Wildlife Service

Resource management………………………………………………………….. 800,330 779,752 800,852 812,814 819,597 (+19,267)

Emergency appropriations………………………………………………………… 6,486 6,486

Conservation…………………………………………………………………………… 27,000 30,000 33,000 31,000 (+3,000)

Total, Resource management………………………………………………….. 806,816 806,752 830,852 845,814 850,597 (+43,761)

Construction…………………………………………………………………………… 62,677 35,849 46,846 55,526 55,543 (+77)

Emergency appropriations…………………………………………………………… 8,461 8,461

Supplemental appropriations (P.L. 107-29)……………………………………….. 17,700 17,700

Total, Construction………………………………………………………………….. 89,058 35,849 46,846 55,526 55,543 (+32,555)

Land acquisition……………………………………………………………………… 121,188 121,188

Conservation…………………………………………………………………………… 164,401 164,401 164,401 98,135 (+66,265)

Landowner incentive program (conservation)……………………………………… 104,401 104,401

Private stewardship grants program (conservation)…………………………….. 50,000 50,000 50,000 (+5,000)

Cooperative endangered species conservation fund……………………………. 104,694 104,694

Conservation…………………………………………………………………………… 785 785 785 400 765

National wildlife refuge fund……………………………………………………….. 11,414 11,414 11,414 14,414 14,414 (+3,000)

Conservation…………………………………………………………………………… 5,000 5,000 5,000

Total, National wildlife refuge fund……………………………………………… 11,414 11,414 11,414 14,414 14,414 (+3,000)

North American wetlands conservation fund…………………………………… 39,912 39,912

Conservation…………………………………………………………………………… 14,912 45,000 42,000 43,500 (+4,500)

Neotropical migratory birds conservation fund…………………………………. 5,000 5,000 5,000

Conservation…………………………………………………………………………… 5,000 (+5,000)

Wildlife conservation and appreciation fund……………………………………. 785 785 785

Multinational species conservation fund……………………………………….. 3,243 3,243 4,000 4,000 4,000 (+767)

State wildlife grants fund…………………………………………………………… 49,890 49,890

Conservation…………………………………………………………………………… 100,000 100,000 100,000 (+50,000)

Rescission……………………………………………………………………………… (-49,890) (-49,890)

Total, State wildlife grants fund………………………………………………….. 49,890 100,000 100,000 (+50,000)

Tribal wildlife grants (conservation)……………………………………………… 5,000

Total, United States Fish and Wildlife Service………………………………… 1,227,010 1,091,285 1,335,516 1,271,265 1,276,424 (+49,144)

Appropriations………………………………………………………………………… (1,212,043) (830,253) (874,113) (886,754) (896,554) (+310,696)

Rescission……………………………………………………………………………… (-49,890) (-49,890)

Conservation…………………………………………………………………………… (261,007) (461,401) (434,401) (404,370) (+34,872)

Emergency appropriations…………………………………………………………… (14,067) (14,067)

(-14,067)
### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Park Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation of the national park system</td>
<td>1,366,190</td>
<td>1,468,499</td>
<td>1,475,339</td>
<td>1,471,128</td>
</tr>
<tr>
<td>Conservation</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
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<tr>
<td>Total, Operation of the national park system</td>
<td>1,368,190</td>
<td>1,470,499</td>
<td>1,480,339</td>
<td>1,473,128</td>
</tr>
<tr>
<td>United States Park Police</td>
<td>77,876</td>
<td>65,260</td>
<td>65,260</td>
<td>68,106</td>
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<tr>
<td>Supplemented appropriations (P.L. 107-25)</td>
<td>1,700</td>
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<tr>
<td>Total, United States Park Police</td>
<td>79,576</td>
<td>66,260</td>
<td>65,260</td>
<td>68,106</td>
</tr>
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<td>National recreation and preservation</td>
<td>59,827</td>
<td>48,039</td>
<td>51,604</td>
<td>58,937</td>
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<tr>
<td>Urban park and recreation fund</td>
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<td>Conservation</td>
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<td>Historic preservation fund</td>
<td>94,200</td>
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<td>Conservation</td>
<td>67,065</td>
<td>77,000</td>
<td>74,000</td>
<td>74,500</td>
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<td>Construction</td>
<td>295,024</td>
<td>269,602</td>
<td>259,249</td>
<td>278,535</td>
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<td>Emergency appropriations</td>
<td>5,268</td>
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<td></td>
<td></td>
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<tr>
<td>Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Construction</td>
<td>300,312</td>
<td>339,602</td>
<td>349,249</td>
<td>358,535</td>
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<td>Land and water conservation fund (rescission of contract authority)</td>
<td>30,000</td>
<td>-30,000</td>
<td>-30,000</td>
<td>-30,000</td>
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<tr>
<td>Land acquisition and state assistance</td>
<td>215,141</td>
<td></td>
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<tr>
<td>Conservation</td>
<td>557,036</td>
<td>561,036</td>
<td>567,036</td>
<td>571,036</td>
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<tr>
<td>Total, National Park Service (net)</td>
<td>2,135,219</td>
<td>2,171,681</td>
<td>2,264,885</td>
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</tr>
<tr>
<td>Appropriations</td>
<td>(5,938)</td>
<td>(1,871,600)</td>
<td>(1,894,649)</td>
<td>(1,842,128)</td>
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<td>Rescission</td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
<td>(30,000)</td>
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<tr>
<td>Conservation</td>
<td>(878,081)</td>
<td>(420,036)</td>
<td>(443,036)</td>
<td>(447,488)</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td>(5,268)</td>
<td></td>
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<tr>
<td>United States Geological Survey</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Surveys, investigations, and research</td>
<td>880,106</td>
<td>813,376</td>
<td>875,489</td>
<td>867,474</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td>2,694</td>
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<tr>
<td>Conservation</td>
<td></td>
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<tr>
<td>Total, United States Geological Survey</td>
<td>882,800</td>
<td>816,062</td>
<td>878,183</td>
<td>869,469</td>
</tr>
<tr>
<td>Minerals Management Service</td>
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<tr>
<td>Royalty and offshore minerals management</td>
<td>240,528</td>
<td>252,088</td>
<td>252,587</td>
<td>254,663</td>
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<td>Use of receipts</td>
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<td>-102,730</td>
<td>-102,730</td>
<td>-102,730</td>
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<td>Oil spill research</td>
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<td>6,105</td>
<td>6,105</td>
<td>6,105</td>
</tr>
<tr>
<td>Total, Minerals Management Service</td>
<td>139,221</td>
<td>155,473</td>
<td>155,972</td>
<td>158,051</td>
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

#### APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

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<th>Senate</th>
<th>Conference</th>
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<td>130,877</td>
<td>126,877</td>
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<tr>
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<td>Contingent emergency appropriations (Other operations)</td>
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<tr>
<td>Total, Wildland fire management</td>
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<td>130,877</td>
<td>126,877</td>
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<td>149,742</td>
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued**

(Amounts in thousands)

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<th>House</th>
<th>Senate</th>
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*October 17, 2001*
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### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued**

(Amounts in thousands)

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<tr>
<th></th>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>House</th>
<th>Senate</th>
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**TITLE VII**

| United Mine Workers of America combined benefits fund | 57,672 | 57,672 | 57,672 | 57,672 | 57,672 | -57,672 |

| **Grand total** | 18,392,320 | 18,072,635 | 18,665,885 | 18,664,235 | 19,078,220 | +185,900 |
Mr. OBEY. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER) under my reservation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for reserving his reservation and also for yielding the time. I just want to comment once more on the report of the conference committee, and I want to thank the conference committee for its attention.

I appreciate the opportunity to comment on a matter affecting the tribal interests in my district—the Lytton Rancheria in California and in the City of San Pablo. Last year the appropriate authorizing committees in both the House and the Senate developed authorizing language to address a land into trust provision unique to the Lytton Rancheria.

This conference committee revisited this issue in the Subcommittee on Interior of the Committee on Appropriations due to the exceptionally unique circumstances which necessitated the enactment of Section 819 of Public Law 106-568, taking lands into trust for the purposes of gaming.

I want to clarify that our action here did not diminish requirements that the tribal communities which were already in receipt of provisions of Public Law 100-497 and in particular, with respect to Class III gaming, the compact provision of Section 2710(d) or any relevant Class III gaming procedures.

I want to thank the conferees for their attention to this issue and the determination that the tribe must proceed according to current law.

Mr. Speaker, I appreciate the opportunity to comment on a provision affecting tribal interests in my district—the Lytton Rancheria in California and the City of San Pablo. Last year the appropriate authorizing committees in both the House and the Senate developed authorizing language to address a land into trust provision unique to the Lytton Rancheria. This conference committee revisited this issue in the Subcommittee on Interior Appropriations due to the exceptional and unique circumstances which necessitated the enactment of Section 819 of Public Law 106-568, taking lands into trust for the purposes of gaming. I want to clarify that our action here did not diminish requirements that the tribal communities which were already in receipt of provisions of Public Law 100-497 and in particular, with respect to Class III gaming, the compact provision of Section 2710(d) or any relevant Class III gaming procedures.

I want to thank the conferees for their attention to this issue and the determination that the tribe must proceed according to current law.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and I would like to say to the Members of the House, Mr. Speaker, that this conference went very smooth because of the good work being done by the gentleman from New Mexico (Mr. SKEEN), the chairman, and the gentleman from Washington (Mr. DICKS), the ranking member.

The gentleman from Wisconsin (Mr. OBEY) and I had an opportunity to participate in this conference agreement. Our colleagues in the Senate did as well, but we were almost all eliminated. We have a good bill here today, and I appreciate the gentleman reserving the right to object so that we can have this brief dialogue on this bill, and I would hope that we would receive the support of the membership.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), and continuing under my reservation, Mr. Speaker, since the gentleman from Washington (Mr. DICKS) is not here, I just would like to make one comment. I think this bill is a perfectly reasonable bill and I intend to support it. I am especially pleased with the fact that the new conservation initiative known in some corners as the Lands Legacy, is very well-received with the funding level provided in this bill for that item.

As the gentleman from New Mexico (Mr. SKEEN) knows, last year we had a huge argument about whether or not the tribe was going to lose a significant amount of land into trust, which was going to be consolidated into a giant entitlement program. It was the feeling of the committee that we could make the acquisition a high priority without turning it into an entitlement. The bill ultimately was agreed to by the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS), and the gentleman from Ohio (Mr. REGULA) and myself and several others worked out the agreement at that time to maintain that as an expanded discretionary program. We indicated at the time that we intended to keep stepping that program up, to keep pace with the needs.

The gentleman from New Mexico (Mr. SKEEN) knows, and as I think this has happened along with other conferees, and certainly the gentleman from Washington (Mr. DICKS), I am very pleased by that. I think this has been a very large step forward in the conservation area, and I think the entire Congress can be proud of it.

I want to thank also the staff on the committee for the excellent work that they have done.

Mr. MCCREARY. Mr. Speaker, I would like to take this opportunity to thank the Chairman, Mr. SKEEN and the ranking member, Mr. DICKS, on their hard work on this important appropriations legislation before the House today. This bill provides funding for many important programs in the U.S. Fish and Wildlife Service, the National Park Service, the Land and Water Conservation Fund, and the Bureau of Indian Affairs, just to name a few. So thank you both for making sure these vital programs received appropriate funding.

Recently, I and several of my distinguished colleagues from Louisiana, sent a letter requesting that the Interior Conference Committee consider the inclusion of language in this bill that is very important to some of our constituents, the Coushatta Tribe of Louisiana. We sent the letter to bring to the attention of the Interior Conference a situation that has unfortunately developed in Louisiana.

The Coushatta Tribe of Louisiana currently services over 450 tribal members through Indian Health Services or IHS funds, and expects this number to rise due to its ever-increasing population. Unfortunately, access to IHS or tribal operated facilities and hospital access for certain medical needs, such as dialysis machines and specialized medical treatments is limited. This is a problematic, given that diabetes is the Tribe’s most critical health care problem. Consequently, because this type of care is not provided on-reservation, the Coushatta’s health care costs have increased dramatically because tribal members must obtain services from local and community health centers.

The Tribe does receive funding from IHS for health services performed off reservation but current levels fall significantly short of budget. Like most of Indian Country, the Coushatta is severely underfunded for preventive care. They need to purchase necessary medical equipment, increase the clinic’s hours of operation and hire a full-time physician to staff the clinic. The Tribe is fully committed to providing quality health care to its trial members and in fact have just been temporarily given a five-year grant to hire two full-time health care providers.

I want to thank also the staff on the committee for the excellent work that they have done.

Mr. UNDERWOOD. Mr. Speaker, as the House considers passage of the conference report on the Interior Appropriations bill for FY 2002, I wanted to specifically address the issue of Compact Impact Aid funding for Guam.

While I am pleased that the conference report includes $6.38 million for Guam, $4 million for Hawaii, and $2 million for the Commonwealth of the Northern Mariana Islands, I remain concerned about the failure of the federal government to identify a better funding solution for areas impacted by the migrations of citizens from the Freely Associated States. Guam received $7.58 million and $9.58 million for FY 2000 and FY 2001, respectively. As the rate of migration increases, the federal government to identify a better funding solution for areas impacted by the migrations of citizens from the Freely Associated States. Guam received $7.58 million and $9.58 million for FY 2000 and FY 2001, respectively. Because of the failure of the federal government to identify other sources of funding, Guam, the CNMI, and Hawaii are forced to secure funding from the same source, out of the Interior Department’s Office of Insular Affairs’ budget. As Guam’s population has increased over the last decade, other federal agencies like the Department of Health and Human Services, the Department of Education, the Department of Housing and Urban Development, and the Department of Labor should also be viewed as potential sources of long term funding.

Guam is impacted more than any other territory or state by the unmonitored migration to
Guam by citizens of the Freely Associated States in Micronesia that continues to have significant financial and social impacts on our island. Since the Compact of Free Association was established in 1986, Guam only started to receive Compact Impact Aid in FY 1996. During the period, Guam received $4.58 million annually from the Department of Interior. However, the Government of Guam expends between $15–$25 million annually to provide educational and social services for migrants from the Freely Associated States under a memorandum.

Although there continues to be differences between the Government of Guam and the Department of Interior on the actual impact costs, the Department of Interior has acknowledged “best estimates” of $12.8 million for compact costs to Guam annually. The Government of Guam estimates that it has spent $180 million between 1986–2000 for Compact Impact costs, while federal reimbursement has been $41 million through FY 2001. Most recently, the General Accounting Office released on October 1, 2001, a report entitled, “Migration from Micronesian Nations Has Had Significant Impact on Guam, Hawaii, and the Commonwealth of the Northern Mariana Islands.” The report concluded that freely associated states migration has clearly had a significant impact on Guam, Hawaii, and the CNMI, and it profoundly affected the Federal government’s Office of Insular Affairs—locations that have relatively small populations and budgets, and economies that have recently suffered economic setbacks. As the U.S. government continues to negotiate, a position to deal with these costs in the past few years. Given the current situation, Guam is in an even more precarious situation.

Rest assured that I will make sure that Congress has a strong say on the inadequate funding levels and funding sources for Compact Impact aid, as well as migration provisions, on any proposed agreements.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of the Interior Appropriations Conference Report for FY 2002 and I want to express my appreciation to Chairman SKEEN and Ranking Member DICKS for their support of the provisions in the bill to aid the Virgin Islands in overcoming its fiscal crisis.

I want to also commend the Chairman and Ranking Member for the skillful way in which they guided the Interior bill through the legislative process this year. I cannot remember a time, during my tenure in Congress, that the Interior Appropriations bill has been one of the first to clear both houses of Congress with near unanimous support.

Mr. Speaker, the Conference Agreement is $186 million over FY 2001, $214 million over the House bill and $414 million over the Senate bill. It fully funds the new Conservation Trust Fund and provides and increase of about 50% for our nation’s weatherization programs for low-income families. The National Endowment for the Arts is funded at a $10 million increase over last year and it provides no funding for drilling in the Arctic National Wildlife Refuge. This is a good bill; a fair bill and I urge my colleagues to support its passage.

Mr. BEREUER, Mr. Speaker, this Member rises today in support of H.R. 2217, the fiscal year 2002 Interior appropriations conference report. This Member also commends the distinguished gentlemen from New Mexico (Mr. SKEEN), Chairman of the Interior Appropriations Subcommittee, and the distinguished gentlemen from Washington (Mr. DICKS), the Ranking Minority Member of the Subcommittee for their hard work on this important bill.

This Member is appreciative of the $15 million appropriation for continued construction for the replacement Indian Health Service Hospital located in Winnebago, Nebraska. Of course, it is unfortunate that the appropriation is less than the Administration’s request and the House-passed allocation which would have completed the appropriations for the hospital project; however, at least construction can continue at this reduced funding level. Furthermore, this Member would like to thank the Members of the Subcommittee and the Committee staff for the invaluable assistance they have provided over the years in obtaining funding for this new hospital, which is much needed in the community and greatly benefit Native Americans in Nebraska.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 2217.

Mr. SHAYS. Mr. Speaker, I rise to express my disappointment that this conference report does not contain the important mining protections of the Insular-Homeland Amendment which the House strongly endorsed when we first considered this bill in June.

There was bipartisan support for this amendment, which would have kept in place fully protective environmental, land-use, safety, and tax provisions for the benefit of taxpayers and the health of western communities against the most irresponsible mining practices.

Such protections are needed because independent reports estimate the old mining laws have left taxpayers with a potential cleanup liability in excess of $1 billion.

The old regulations and the 1872 mining law simply did not account for destructive practices such as cyanide and sulfuric acid. These new regulations are the first attempt to address environmental and taxpayer problems arising from modern mines.

These protections were the work of four years of public input and continue to enjoy strong public support. During a 45-day public comment period on the proposed weakening of the mining rules, 17,000 citizens (out of 49,000 comments received) opposed weakening the rule.

Even though the Insular-Homeland Amendment was not included in this report, we must continue to urge the Department to leave the current rules in place. In particular we must retain: strong water resource protections and cleanup standards; strong bonding requirements; and the ability for federal land managers to deny the most irresponsible mines.

Taxpayer protections without adequate environmental standards on destructive

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this Interior Conference Report. This bill includes important funding for conservation programs and includes monies for the maintenance of wildlife habitat protection in national parks, forests and refuge areas. I am especially happy to see that 65 million dollars was included for the Forest Legacy Program which provides assistance for forest lands in eight states, ensuring that these lands will never be developed but will be managed sustainably and continue to provide much needed raw materials for today’s marketplace. In addition, given the recent attacks on New York City and the threat of bioterrorism we have been very concerned about the quality of our water supply.

The $500,000 dollars designated in the Forest Legacy Program for the New York City watershed project is an important and vital step in protecting New York City’s drinking water. The critical funding of the Forest Legacy Program will ensure that these areas continue to provide recreational opportunities, filter our water, clean our air, and protect tourism and forest product jobs in the area. I am also pleased that this legislation includes $98 million for the National Endowment for the Arts and $125 million for the National Endowment of the Humanities, amounts which exceed the current funding levels for these valuable agencies. We cannot ignore the rich cultural benefits that the arts provide to our nation. Additionally, the arts generate approximately $3.6 billion each year for local economies across the country.

I am disappointed that an oil royalties amendment of mine—which was included in the House-passed version of the bill—was removed in conference. The amendment would have ensured that the oil program would not continue to lose money for America’s taxpayers. I offered the amendment to guarantee that oil industry fees, collected through the so-called “Royalty in Kind” program, earn at least fair market value or more. I will continue to work on this issue; we must stop what I consider to be a Corporate Welfare Scheme.

Mr. Speaker, I support the conference report and I want to thank the Conferrees for working together to bring to the floor an Appropriations bill that both sides of the aisle can and should support.

I urge a “yes” vote.

Mr. DICKS. Mr. Speaker, this is a good bill, representing a fair compromise between the versions that were passed in each House. While I certainly would have preferred a higher level of funding in some of the key programs of this bill, I am encouraged by many elements of the compromise. The conference report represents a fair effort to provide the necessary funds to maintain the National Park System and our federal land management agencies, to address water supply through the Bureau of Indian Affairs, to increase wildfire readiness, to encourage important energy research and conservation programs, and to
offer the small—but important—cultural fund- ing through the National Endowment for the Arts and the National Endowment for the Hu- manities.

One of the most important aspects of this bill and of the conference report, I believe, was the decision to honor the commitment we made last year when we enacted the Conservation Spending Trust Fund. I am ex- tremely pleased that both the House and Senate bills contained full funding of $1.32 billion for these conservation programs—a dramatic increase over the $1.2 billion that was pro- vided in the current year and $637 million in Fiscal Year 2000. This six-year effort rep- resents the most significant increase ever ap- proved for conservation spending across fed- eral environmental accounts that will boost land acquisition, maintenance and wildlife habitat protection in national parks, forests and refuge areas. This was an important step taken last year in the House, and I am proud that we have brought the final version of the Fiscal Year 2002 bill to the floor in a form that included all of the funding anticipated in the second year of this conservation spending agreement.

Despite an allocation in conference that was lower than many of us would have preferred, I am very pleased that this conference agreement funds several specific programs at ade- quate levels, including:

$85 million for State Wildlife Grants;
$140 million for stateside Land and Water Conservation Fund Grants;
$50 million for the new Land Owner Incen- tive Program;
$115 million for the National Endowment for the Arts; A 50 percent increase for the Weatheriza- tion program over last year’s level;
$2.2 billion for National Fire Plan activities, $300 million over the President’s budget re- quest.

As the Ranking Democratic Member of the Interior Subcommittee, I want to thank all of my colleagues in the House for the substantial input and advice you have given to me and to our staff, and I assure you that I have made a diligent effort to address as many of those concerns as possible within the limita- tions of our allocation. I also want to thank the professional staff of the Interior Subcommittee for the long hours and meticulous attention to detail that has characterized their work on this legislation. Every member of the Sub- committee—Democrats as well as Repub- licans—appreciates their hard work under tight deadlines.

So I urge my colleagues to approve this bill. I am convinced that it responds to the most urgent environmental needs of our nation at this time, and that it addresses the major pri- orities of the Interior Department and the re- lated programs with the Departments of Agri- culture and Energy.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. There was no objection.

The SPEAKER pro tempore. The question is on the conference report. Pursuant to clause 10 of rule XX, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, fur- ther proceedings on adoption of the conference report are postponed.

GENERAL LEAVE

Mr. HOBSN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re- marks on the conference report to ac- company H.R. 2904, and that I may in- clude tabular data in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentle- man from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION AP- PROPRIATIONS ACT, 2002

Mr. HOBSN. Mr. Speaker, I call up the conference report to accompany the bill (H.R. 2904) making appropri- tions for military construction, family hous- ing, and base realignment and clo- sure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and ask unanimous consent for its immediate consideration in the House without intervention of any point of order.

The Clerk read the title of the bill. (For conference report and statement see proceedings of the House of Tues- day, October 6, 2001, at page H6831).

The SPEAKER pro tempore. Is there objection to the request of the gentle- man from Ohio?

Mr. OLIVER. Mr. Speaker, reserving the right to object, and I do not intend to object, but I have only reserved the right to object here in order to give the gentleman from Ohio an opportunity to explain what we are doing here.

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

Mr. OLIVER. I yield to the gentleman from Ohio.

Mr. HOBSN. Mr. Speaker, as the manager of this conference agreement, I do not intend to use any of the hour on general debate; however, I would like to have the gentleman from Geor- gia (Mr. KINGSTON) recognized.

Mr. OLIVER. Mr. Speaker, continuing my reservation, I yield to the gen- tleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I too wanted to object with the reservation on this for the purpose of asking the chairman and the ranking member a few questions about the bill. But I also do not intend to ob- ject to the bill but I want to reserve the right to do that. So if it is appro- priate on the gentleman’s time frame, I would like to ask a couple of questions if I may. Mr. OLIVER. Mr. Speaker, I continue to yield to the gentleman on my res- ervation.
Mr. HOBSON. If we can get the things technically worked out to get it done because this is a good model, I think, for elsewhere in the country and it is important that we do it correctly and I think we want to do it correctly.

Mr. KINGSTON. I appreciate the gentleman and I will not ask him to speculate the likelihood of its passage next year. I certainly hope that it would be favorable, as I felt like we were so close this year.

Mr. HOBSON. I can make the gentleman from Georgia this assurance, I will make sure all the T’s are crossed and the I’s are dotted because I think this is a good model.

Mr. KINGSTON. Having said that, I certainly will not object to the bill and the gentleman from Massachusetts (Mr. OLVER) has already held a reservation. I thank him for yielding to me, and I thank the gentleman as the ranking member for his support for this and thank the gentleman from Ohio (Mr. Hobson).

Mr. OLVER. I have certainly carefully listened to the exchange between the gentleman from Georgia and the chairman of the subcommittee and we will work together on the points that have been raised.

Mr. KINGSTON. I thank the gentleman very much.

Mr. HOBSON. If the gentleman would yield further, I would like to make two other comments.

Mr. OLVER. I continue to yield under my reservation.

Mr. HOBSON. First of all, I would like to thank our staffs for working on the bill. I think they both did a great job, all the staff.

I particularly want to thank Tom McNamara, who is the detailed from the Air Force. He has been particularly good and helped with the subcommittee, and we are going to miss him. I do not know if we can get him back next year, but we are sure going to try because he did a good job in facilitating things.

I think it is a good bill. I have a good partner in my ranking member. With that, I thank the gentleman for yielding to me.

Mr. OLVER. Mr. Speaker, continuing under my reservation, I want to commend the chairman, the gentleman from Ohio (Mr. HOBSON), for his leadership in reaching this agreement. The two bills did contain substantial differences, and I believe that they have been resolved very fairly.

I also wish to thank the staffs, particularly Valerie Baldwin, Brian Potts, Tom McNamara, and Tom Forhan of the committee staff and Suzy Dumont from my own staff.

I think also the bill is a good bill. I hope we will have a resounding ‘yes’ vote on the legislation.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of the Conference Report on H.R. 2904, the Military Construction Appropriations Act for FY 02. I am particularly pleased that the conference agreement includes $7.748 million for the continued construction of the Guam Army National Guard Readiness Center. Located in Barrigada, Guam this Readiness Center will serve to enhance the administrative functioning and training capabilities of the Guam Army National Guard. This is a critical and desperately needed project whose construction is timely considering the renewed emphasis and recently placed demands on our Guard units. For several weeks, Guam’s Guardsmen and women have been working around the clock to provide for a secure and safe environment at the Antonio Won Pat International Airport on Guam. Adequate space to assemble and train with modern equipment and armament will strengthen their ability to respond when called to duty. This legislation provides Guam’s National Guard with the infrastructure needed to meet future missions and increased demands with exceptional capability.

I thank Chairman HOBSON and Ranking Member OLVER for their leadership in crafting this legislation and for their support of the Guam Army National Guard Readiness Center. I urge my colleagues to support the Conference Report as it is good for our nation’s military infrastructure and supportive of our men and women in uniform.

Mr. OLVER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I yield the gentleman the opportunity to explain to the House what it is we are doing.

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding and for reserving the right to object so we can have this brief discussion.

Mr. Speaker, the legislation before the House, H.J. Res. 69, will extend the current continuing resolution for an additional week, allowing the Government to continue to operate through October 31.

As my colleagues are well aware, we have lost several days because of evacuations of the Capitol and for other reasons. We intend to complete the appropriations business expeditiously, but we do need to extend the CR through the 31st. The terms and conditions of the previous CRs remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001.

Mr. Speaker, I want to thank the gentleman for the time, and I want to thank the gentleman for his cooperation in making sure that the business of the House is expedited.

Mr. OBEY. Mr. Speaker, continuing under my reservation, let me simply say I support this resolution, and I think the entire House will as well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, the Chair will now put each question on which a motion to reconsider was laid on the table.

The Clerk read the joint resolution, H.R. 2904, proposing amendments thereto, and ordered that the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 28, not voting 22, as follows:

[Vote information continues with names of representatives and their party affiliations.]

CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2904, on which the yeas and nays are ordered.

The Chair read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 9, not voting 20, as follows:

[Vote information continues with names of representatives and their party affiliations.]

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2217, on which the yeas and nays are ordered.

The Chair read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 1331, nays—22, as follows:

[Vote information continues with names of representatives and their party affiliations.]

The vote was recorded as above.

A motion to reconsider was laid on the table.

Stated for:

Mr. BASS, Mr. Speaker, I was unavoidably detained and missed rollcall vote 393. I would like the Record to show that had I been present I would have voted “yea.”

Mrs. MCCARTHY of New York, Mr. Speaker, on roll call vote 393, I was told we would have a 5-minute warning bell before the last vote, which we did not have. I was at a Members-only briefing. I missed vote 393. Had I been present, I would have voted yea.

Mr. BLAGOJEVICH, Mr. Speaker, on roll call No. 393, I was told that we would have a 5-minute warning bell, but there was no hell, I was at a Members-only briefing and I missed vote 393.

Had I been here, I would have been an enthusiastic yea vote.
CONGRESSIONAL RECORD—HOUSE

October 17, 2001

H. CON. RES. 251

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:00 p.m. on Thursday, October 24, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, a motion offered pursuant to this concurrent resolution on October 23, 2001, by the Majority Leader or his designee, that it stand re-assembled or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that date as may be specifically designated by the Majority Leader or his designee in the motion to re-assemble or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDAY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

DISPENSING WITH CALENDAR

WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMLEY. Mr. Speaker, I ask unanimous consent that the business of the House be dispensed with on Wednesday, October 24, 2001.

The SPEAKER pro tempore (Mr. QUINN). Is there any objection to the request of the gentleman from Texas?

There was no objection.

FREEDOM TO MANAGE ACT OF 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and the Committee on Rules:

To the Congress of the United States:

I am pleased to transmit for immediate consideration and prompt enactment the "Freedom to Manage Act of 2001." This legislative proposal would establish a procedure under which the Congress can act quickly and decisively to remove those structural barriers to efficient management imposed by the current structure of the House. This bill would establish a balance of individual responsibility and collective accountability, and would provide for a more efficient and effective House of Representatives.
by law and identified by my Administration.

This proposal is part of the “Freedom to Manage” initiative outlined in the “President’s Management Agenda” issued in late August. The initiative includes additional legislative proposals, to be transmitted separately, that would give Federal agencies and managers the tools to more efficiently and effectively manage the Federal Government’s programs by: (1) providing Federal managers with increased flexibility to manage personnel; (2) giving agencies the responsibility to fund the full Government share of the accruing cost of employee and retiree health care benefits for Federal employees; and (3) giving agencies greater flexibility in managing and disposing of property assets.

In transmitting the Freedom to Manage Act, I am asking the Congress to join with my Administration in making a direct, constructive contribution to reforming and improving the Federal Government by eliminating obstacles to its efficient operations. Specifically, the Freedom to Manage Act would establish a process for expedited congressional consideration of Presidential proposals to eliminate or reduce barriers to efficient Government operations through the repeal or amendment of laws that create obstacles to efficient management or the provision of new authority to agencies.

The Freedom to Manage Act would provide that if the President transmits to the Congress legislative proposals relating to the elimination or reduction of barriers to efficient Government operations, either through repeal or amendment of current law or the provision of new authority, special expedited congressional procedures would be used to consider those proposals. A joint resolution is introduced in either House within 10 legislative days of the transmittal containing the President’s legislative proposals, it would be held in committee for no more than 30 legislative days. It would then be brought to the floor of that House very quickly after committee action is completed for a vote under special procedures allowing for limited debate and not amendments. Finally, a bill passed in one House could then be brought directly to the floor of the other House for a vote on final passage.

As barriers to more efficient management are removed, the Nation will rightly expect a higher level of performance from its Federal Government. Giving our Federal managers “freedom to manage” will enable the Federal Government to improve its performance and accountability and better serve the public. I urge the Congress to give the Freedom to Manage Act 2001 prompt and favorable consideration so we can work together in the coming months to implement needed and overdue reforms.

GEORGE W. BUSH.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–133)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared necessary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared on International Relations and ordered to be printed:

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2001.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Ms. McKinney) is recognized for 5 minutes.

(Mrs. McKinney 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. DeFazio) is recognized for 5 minutes.

(Mr. DeFazio 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 New Jersey (Mr. Pallone) is recognized for 5 minutes.

(Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–134)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 201(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

GEORGE W. BUSH.

SPECIAL ORDERS

The SPEAKER pro tempore. There is a motion to reorder the Calendar.

By unanimous consent, the Speaker ordered the Calendar to be reordered to follow the Calendar as it stood at 10:00 a.m.

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

(Mr. DeFazio 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 New Jersey (Mr. Pallone) is recognized for 5 minutes.

(Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA’S FOREIGN POLICY WITH REGARD TO AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from California (Mr. Rohrabacher) is recognized for 60 minutes as the designee of the majority leader.

Mr. Rohrabacher. Mr. Speaker, first and foremost, I would like to thank the gentleman from Maryland (Mr. Bartlett) for exchanging his time with me. He will be speaking right after I am done, but I have a pressing appointment dealing with the very issue on which I am speaking, which I really made imperative that I speak at this time. I thank the gentleman from Maryland for the consideration that he has given me on this one.

Mr. Speaker, it has been 1 month and 1 week since 6,000 Americans were slaughtered in New York and the Pent-agon. Needless to say, our lives will never be the same. So much has happened, and at this moment so much is happening, that at times it is as confusing as it is awesome. But amid this chaos and runaway emotions, our President, George W. Bush, has proven a steady hand, and has refused to go off half-cocked. He...
has been courageous and decisive. He has acted with deliberation, and has been methodical in his approach.

I was so proud that our President decided that a major humanitarian commitment be made as part of our battle plan in Afghanistan and against the terrorists in Afghanistan. With thousands of our own people being slaughtered, we could have just struck out blindly, but we are not doing that.

A tremendous effort has been made in this incident, this moment, to protect the rights and safety of our own Muslim Americans, and we are reaching out to Muslim countries and their people.

In Afghanistan itself, we are in fact limiting our retaliation to bin Laden's terrorists and to the Taliban regime that gave him safe haven. Underscoring the noble motives that still direct our actions, President Bush recently drew our attention to the larger percentage of Afghan children who are orphans, and asked that our country make it a personal project to help these Afghan youngsters who have suffered so much. What other country would be so gracious?

President George W. Bush is not only our Commander in Chief, but also a wonderful inspiration for us to live up to our ideals. America has not always been right, and certainly we have many black marks in our history, but we can be proud of our record because we have often tried to do our best; more often than not, tried to do what was right; and looked out, more than any other country that one can record, to do the right thing and to respect the human rights of people everywhere, even those of our enemy.

We rebuilt the economies of our former enemies during World War II, and sent some of our young people, many of our young people, in fact, in the last century, to defeat the forces of tyranny wherever they were.

Let us remind the Muslim world, for example, that the last two places that America sent her young people to intervene, our young soldiers, were in Bosnia and Kosovo. In both cases we sent our Armed Forces around the world to a place that had nothing to do with our own security in order to save Muslim people who were being murdered by armed thugs; and those thugs, of course, claimed to be Christians.

We understand, of course, that Christians would not participate in the murderous and heinous crimes that were being committed against the Muslims in the Balkans.

Similarly, we would hope that the Muslim world of the world will make it clear, as many have, that the ghoulish slaughter of innocent Americans was totally inconsistent with their religious convictions, with the teachings of Islam.

In terms of our country today, even though we have tried our best to help those around the world who are suffering, we have been the target of unprecedented hatred. Our open and free society is maligned and vilified with a staggering level of venom and vitriol.

Perhaps to understand this, we need to go back a few decades to a far different time, during the Cold War. I worked in the White House during the years when Ronald Reagan brought the Cold War to an end, culminating with the dismantling of the Communist dictatorship that controlled Russia and its puppet States. Essential to a great victory was President Reagan's support for various people who were fighting to free themselves from Communist tyranny.

The bravest and most fierce of these anti-Soviet insurgents were in Afghanistan. There are a lot of Monday morning quarterbacks these days who would suggest now long after that war has been over and the Cold War has come to a successful conclusion that we should not have supported those freedom fighters whether in Afghanistan or elsewhere because freedom fighters, of course, these insurgents, were not perfect people and, in fact, did commit some crimes, and there is no doubt about it.

Those folks who are now complaining about that strategy which ended up saving the world from a nuclear holocaust and from a Cold War that went on and on, who are complaining about it do not even have good 20/20 hindsight.

Clearly and unequivocally the American people can be proud that we provided the Afghan people the weapons they needed to win their own freedom and independence from the Soviet Union, which was occupying their country. That Cold War battle was a major factor in breaking the will of the Communist bosses in Moscow, thus ending the Cold War. This, however, is not the time for us to understand the grotesque crime committed against the American people on September 11.

One of the common errors found in news reporting as of late has been the suggestion that those holding power in Afghanistan today are the same people who we supported in the war against Soviet occupation of Afghanistan in the 1980s. The liberal press likes to suggest that we, meaning the American people, who we have now come back to murder us on September 11. This by and large is wrong. It is factually in error.

Yes, there are some of those currently in power in Kabul who also fought the Russians, but by and large we are talking about two different groups of people. Those who fought the Soviet occupation were called the Mujahedin, and during my time at the White House, I had the opportunity to meet most, if not all, of the leaders of the Mujahedin who fought against Soviet occupation of Afghanistan.

There was seven major factions, and it is significant that the current Taliban leadership does not include any of these wartime leaders against the Soviet occupation, not one. After I left the White House and was elected to Congress, I had been working with these Mujahedin leaders, and I felt very strongly about their cause. So when I was asked to go before I got sworn into Congress, I had 2 months on my own between November and January. So I took that opportunity and I hiked into Afghanistan as part of a small Mujahedin unit and engaged in battle against Taliban and Communist forces near and around the City of Jalalabad.

The mujah I marched with were incredibly brave, but they were not senseless killers. They had religious faith, and certainly they were devout, but they were not fanatics. In fact, they prayed daily but I did not see them chastising the many Afghans who were with us who were not joining them in prayer. They faced death but their dreams were of life.

In fact, a boy, probably 16, 17 years old, an AK-47 strapped over his shoulder, ran up to me as we marched through the Afghan countryside. It was at night and the cannons were going off in the distance. I could see him light up the sky. I could hear the thunder of the cannons roaring. This young man came up to me, and in almost perfect English said, “They tell me you’re in politics in the United States.” I said, “What do you want?” He said, “I want to be a donkey or are you an elephant?” I said, “I am an elephant.” He said, “I thought you were.”

I asked this young man, “What do you want to do with your life?” He said, “I want to become an architect because I want to rebuild my country when this is over.”

I do not know if he survived that war. I do not know if he survived the Battle of Jalalabad, but I do know there are young people like that, whose lives have been wasted and talents wasted in war and conflict in all these years.

The Russians retreated from Afghanistan about a year after that conversation, after that Battle of Jalalabad, and when the Russians left, the United States, which had been providing the resistance, a billion dollars a year to finance that war, we simply walked away from those people. We walked away and left Afghanistan to its own fate. We walked away from those lives that have been wasted and talents wasted in war and conflict in all these years.

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United States, began bickering and fighting among themselves. This went on for several years and then in late 1996 a new force appeared, seemingly out of nowhere, the Taliban. These were fresh, well-equipped forces who had won and were ready to overtake the war. They had been in Pakistan in what were called schools. Taliban of course means student, even though of course many of these so-called students are actually illiterate.

All of the money that America provided the Mujahedins during the war it seems, which was billions of dollars, had gone through the Pakistani equivalent of their CIA, which is called the ISI, and apparently enough money had been siphoned off of that to create a third force which is what the Pakistanis did, the Taliban, and when the war was over and other factions were bled white, they moved forward to dominate Afghanistan.

Also behind the Taliban not only are the Pakistanis but also Saudi Arabia. During the war against the Russians, the Saudis provided the Afghan resistance with hundreds of millions of dollars. Unfortunately, that money mainly went to anti-Western, as well as anti-Communist Muslims. One of those was bin Laden.

I remember as I was hiking through in that patrol that I took up to that battle, we hiked past a camp that had these Saudi Arabian white tents in white suburbs and everything like that out there, generators. While most of the Mujahedins were sleeping in the gully eating cold food, there were these Wahabis, these Arab Mujahedins, who were living like kings. Guess what? They hated Americans so much that my Afghan friends told me, “Do not speak any English, these people hate Americans as much as they hate Russians. Even though you are here to save us, they will come and attack and kill all of those who speak English.” And the way they are being led by some crazy man named bin Laden. That was back in 1988.

Sixty percent of the world’s heroin. And the Pakistanis, their equivalent of the CIA, were up to their eyeballs in the drug trade and everybody knew it, and they did not want the Taliban overthrown for obvious reasons. They were their main partners. And then of course the Saudis. The Saudis, who are now trying to make up for this past sin of putting the Taliban in power. They did not want the Taliban out because with the chaos and confusion of that war would never be a pipeline built through Afghanistan so that the oil glut that we find in Central Asia, massive amounts of oil would never be able to make it to market because the pipeline had to go through Afghanistan to get that oil out to market. Guess what? That would have decreased the price of oil in the world by $3 to $4 to $5 a barrel.

So it was oil and drugs and religious fanaticism. And that kept the Taliban in power. That is what put the Taliban in power.

As General Turki suggested when the Taliban first arrived, he suggested they would be viewed as liberators, as people who were going to bring stability, and that is what they were. By and large I will have to say that when the Taliban first arrived in late 1996, the people of Afghanistan were so hungry for stability and they were told that these were the Muslims who were there to accept the Taliban and they wanted to believe that they would bring stability and peace to Afghanistan, and many people gave them the benefit of the doubt.

Unfortunately, that was not what the reality was, which the people of Afghanistan were soon to find out. As the Taliban expanded towards the north, they were stopped by the people of the northern provinces who refused to let these unfamiliar troops just come into their territory and take over their provinces. That is when real battles begin to break out. Then the rest of the people who are under Taliban control and the rest of Afghanistan, as well as the rest of the world, became concerned to discover that the Pakistanis and the Saudis had created a monster. The Taliban were and are medieval in their world and religious views. They are violent and intolerant fanatics, and they dare to espouse a belief in Jesus Christ, and they ended all personal freedoms and freedom of speech and the press was not even under consideration. They ruled by fear and violence. People explained why they have been willing to give safe haven to the likes of bin Laden, the Saudi terrorist who has been in Afghanistan for years training terrorists and planning attacks on the West. Yes, bin Laden has been a member of several thousand Yemenis who have been marauding around Afghanistan like a pack of mad dogs, killing and brutalizing the population in order to keep the Taliban in power.

These foreign religious fanatics have kicked the Arabs out of Yemen. As a fact, the Taliban and bin Laden they are so despised by the Afghanistan people, and here is how we can understand that, these people have killed more Afghans than they have killed Americans. They grieve the Americans and we come from such a large country. These murderous Taliban and bin Laden’s foreign troops have killed more Afghans than they have killed Americans, and there is only 13 million people in Afghanistan.

For these last 2 years the Taliban, with the support of Saudi Arabia and Pakistan have captured control of all but a small portion of that country. On 11 September, when the Taliban had fallen, which is in northeastern Afghanistan, and in the Shamal Plain north of Kabul were free from the Taliban because they were under the command and under the protection of the legions of bin Laden and Masood and that area was the only area free from Taliban control up until this time.

The day before the attack on the United States, however, was an attempt to kill Commander Masood although he was reported dead immediately, he struggled on for life for another 5 days. That attack on Commander Masood told me that something horrible was about to happen. Something horrible was going to happen to the United States because Masood was someone that bin Laden’s enemies would obviously turn to in an attack or a retaliation against the Taliban.

I was so concerned and dismayed that I made an appointment to see the top levels of our National Security Council at the White House. My appointment was set for 2:30 September 11. At 8:45 as a Member of the Congressus I was on the steps of the United States Capitol in the World Trade Center. But the Taliban domination of Afghanistan need not have happened and it certainly need not have been able to keep its grip on power.
the Northern Alliance and to those other who were opposing the Taliban rule.

President Clinton would have none of it. In fact, his administration was, in many ways, responsible for keeping the Taliban in power.

Now, every time I suggest this, people go ballistic. They believe I am being partisan at a moment when, of course, national unity is the order of the day. And I beg people just to hear me out. I would never do this. It would be sinful to be partisan at a time like this. But it is an important truth, the things I believe to be true, and I am trying to express them, and this is not based on any type of partisan consideration.

I take no joy in reporting that I, who have been more involved in Afghanistan than any other Member of Congress, every reason to believe that the last administration had a covert policy of supporting the Taliban regime. As a senior member of the Committee on International Relations, after I came to this conclusion, I officially requested the State Department documents, the cables, the memos, the briefing papers that would prove or disprove my suspicion. The gentleman from New York (Mr. Gilman), chairman of the Committee on International Relations, joined me in that request.

Secretary of State Madeleine Albright, on two occasions, officially promised me those documents and said that they would be made available to me. After all, I was a senior member of the committee with oversight responsibility of the State Department and American foreign policy. What happened was as alarming as it is appalling. I was stonewalled for several years. My request for those documents pertaining to the development of America’s and our government’s policy toward the Taliban was ignored. I was given meaningless documents, many times newspaper clippings by the State Department, in order for them to claim that they were trying to fulfill my request.

The State Department made a joke out of Congress’ right to oversee American foreign policy concerning the Taliban in Afghanistan. That is what we have been going through for 3 years. When I repeatedly complained that this could not be allowed to happen, that it was undermining Congress’ right to oversee a very important policy, I was belittled and my requests were treated as if they were irrational.

Well, I believe the reason those documents were kept from me is that they would have proven that the Clinton administration approved, all the way up to the President himself, in keeping the Taliban in power. This is even after it was clear that the Taliban were monstrous violators of human rights, especially women’s rights, and it was becoming a safe haven for terrorists and drug dealers. Bin Laden was there and 60 percent of the world’s heroin was originating there.

By the way, in Afghanistan, let me note, and all of this is shocking to Americans and I was shocked by it all, but in Afghanistan it is commonly believed that the Taliban in power and that until recent hostilities, it has commonly been believed that we supported the regime. And there are many reasons for people to believe this. All U.S. foreign aid to Afghanistan in these last 5 years have been channeled through the Taliban, even though there were large areas at times where the Taliban did not control and were controlled by people who opposed the Taliban.

More than that, when some others, like myself and others, would get together to try to put together humanitarian efforts that would go to the areas in Afghanistan controlled by anti-Taliban forces, we were blocked by the State Department. Not only did they not permit a government of anyone outside the Taliban-controlled areas, the State Department blocked our efforts to get private aid to those people.

Then there has been Voice of America. It has been so one-sided in its coverage that it is known in Afghanistan as the voice of the Taliban. So the Voice of America, all these years, has been so lopsided in favor of the Taliban it has been known as the Voice of the Taliban. And thank goodness just recently, the new Secretary of America, Bob Reilly, has committed to undo this terrible deed.

But there are some other actions that have taken place during the Clinton administration that go right to the heart of the charge I am making; and people should listen very carefully to an example that led me, which after this happened I just knew this was the Clinton administration and I could not deal with them, they were obviously not interested in helping they were undermining the efforts of the anti-Taliban forces, but in 1997, for example, the Taliban overextended their forces. Thousands of their best fighters were captured in northern Afghanistan. The Taliban regime was vulnerable as never before and never since. It was a tremendous opportunity. The opposition could have easily dealt a knockout punch to the Taliban.

At that time I was personally in contact with what is called the Northern Alliance, and I recommended a quick attack and bringing back old King Zahir Shah to head a transition government. Well, this was a turning point, because the Taliban were vulnerable then. They could have been taken out easily. Their best fighters and tanks and aircraft had been taken, and the old moderate king, he was ready to do his duty. Who at this moment of vulnerability saved the Taliban? Well, President Bill Clinton, that is who.

Again, please, I beg of you do not dismiss what I say. Do not say he is just being partisan, because I am not. Again, that would be a horrible thing. This is the truth, so help me God; and I am trying not to be partisan in fact. What happened was, at this moment when the Taliban could have been eliminated, President Clinton dispatched Assistant Secretary of State Rick Inderfurth and Bill Richardson, our United Nations Ambassador, up to the northern part of Afghanistan to convince the leaders of the Northern Alliance not to go on the offensive but, instead, to accept an arms embargo against all parties and a cease-fire.

Well, these people up in northern Afghanistan had been fighting the Taliban. This is very impressive to have someone at that level, Assistant Secretary of State and our United Nations Ambassador bringing words of the President of the United States. This was so impressive that they accepted the deal. These high-level American officials sent by President Clinton convinced the Northern Alliance to accept a cease-fire and a supposed arms embargo against all sides. Of course, the minute the cease-fire went into effect, the Pakistanis began to massively rearm and resupply the Taliban and rebuild their forces.

Our intelligence knew about this massive resupply effort. They conveniently kept Congress from knowing it, and they conveniently kept the Northern Alliance in the dark. The arms embargo against the Taliban meant nothing, but the arms embargo against the Taliban’s enemies in the Northern Alliance was enforced and needed to be followed and was still in place. So the Taliban rearmed; and as soon as they did, they drove the Northern Alliance nearly out of the country. They had been weakened, of course, by a one-sided arms embargo.

And who put it in place? This was not an accident. This was a conscious policy. For years, before that and since that time, I begged the Clinton administration, our government, to do something about the Taliban. The only response I got was the stonewalling of my requests to find out exactly what the Government’s real policy was towards Afghanistan. All the while, bin Laden, who had already killed American military personnel and had declared war on the United States of America, was running around Afghanistan using it as a base of operations and a safe haven for terrorist attacks. This was not forgotten as we tried to kill the Pope in the Philippines, and he was involved with terrorist activities elsewhere. Yet we let him stay there and let the Taliban regime stay in place and did nothing. We let us in fact go past nothing; we were supporting the Taliban. Our aid went through there. They undermined any effort to send aid coming through the non-Taliban areas.

Voice of America was making sure that nothing that was anti-Taliban was balanced off by a Taliban spokesman. But if you had a Taliban spokesman, it did not have to be balanced off...
with someone else. So it was two-to-one coverage in favor of the Taliban on the Voice of America.

Now, why is this? Why did we convince the Northern Alliance to go into a cease-fire and a one-sided arms embargo? I believe that it was part of a yet undisclosed understanding with Saudi Arabia and Pakistan to let them dominate Afghanistan. This understanding was obviously turning into a nightmare. Now, by the way, that understanding may now have happened during the Bush administration. George W. Bush's father may have had an understanding with the Saudis and the Pakistanis that they would let those people dominate Afghanistan.

But once that understanding was turning into a nightmare and the full truth of what the Taliban were all about, we should have immediately ceased that agreement. And yet our leaders, with all of the evidence to show that the Taliban were a horrible blight of people from all over the world and a threat to the world, our leaders lacked the will to change the situation and to say to the Saudis and the Pakistanis, No more of this. These people are human rights abusers. Look at the women of the world and the women in Saudi Arabia. There was an assassination of a woman. There was an assassination of a girl. They killed her. They killed her in a way that would make it clear, if we do, it will come back to haunt us.

Mr. Speaker, I insert for the RECORD some of the many statements that I made during that time to my colleagues warning them about the Taliban and what it might do.

September 30, 2000—Floor Debate on State Department Authorization of Appropriations Act: "I insert for the RECORD a statement by Mr. Gilman saying that if we do not get a cease-fire and a one-sided arms embargo, he would vote no on the Bush administration's request for the funds.""I insert also a letter to the Prime Minister of Pakistan, Mullah Omar, and the rest of his government that led to this very situation."

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September 15, 1999—Letter to Nawaz Sharif, Prime Minister Pakistan: "International terrorists like Osama bin Laden will become a terrorist base camp."

August 11, 1998—Letter to Newt Gingrich, Speaker of the House: "As you may know, Afghanistan has become the world's largest source of heroin. It is also one of the key terrorist training and staging areas in the world. Further, instability in Afghanistan limits the economic and democratic development of Central Asian states and negatively impacts US policy toward Iran. In short events in Afghanistan affect the lives of more than 200 million people in the Central and South Asian region."

August 10, 1998—Letter to Karl Inderfurth (Asst. Sec. State): "I have been preparing various alternatives for Afghan policy for the past six years. I have found no willingness on the part of this administration to even try the alternatives I have suggested. I have come to the conclusion that our goals are different. But for the time being I will give you the benefit of the doubt. The stakes go far beyond Afghanistan. There will be no peace in central Asia, or on the subcontinent between India and Pakistan until the U.S. takers responsibility for the situation in this region or elsewhere with a policy that is not based on the fundamental principles of representative government and opposition to tyranny."

June 29, 2001 International Relations Committee Hearing—"This regime has permitted terrorism from Afghanistan as a base of operations from which their country has been used as a springboard for operations that have cost the lives of people throughout the Middle East, especially Americans.

That alone should give us a message about the regime and our commitment and what ultimately should have been done.

July 19, 1999—Floor Debate on the American Embassy Security Act of 1999: "As the gentleman from New York (Mr. Gilman) has stated, among the greatest threats to the security of American diplomatic missions and personnel is by Osama bin Laden and his legions of terrorists who train and operate out of Afghanistan. The primary benefactors of terrorism in the region are elements in Pakistan and the extremist Taliban militia, who not only host and protect bin Laden but have imposed a reign of terror on the people of Afghanistan and especially on the women of Afghanistan."

October 30, 2000—Floor Debate on State Department Authorization of Appropriations Act: "I insert for the RECORD a statement by Mr. Gilman saying that if we do not get a cease-fire and a one-sided arms embargo, he would vote no on the Bush administration's request for the funds."

November 9, 1997 House Floor Debate on Afghanistan: "A chaotic Afghanistan will eventually wreak havoc in the United States. It has already caused the lives of American lives and servicemen to be lost. A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination in the Middle East. We found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan. We cannot let this go on, because not only is it immoral to let this go on, but practically speaking, if we do, it will come back to haunt us."

April 12, 2000—International Relations Committee Hearing: "They (the Clinton Administration) have kept those documents (relating to U.S. policy towards Afghanistan) away from the eyes of officials and prevented us from doing the oversight we feel is necessary. And with a regime in Afghanistan like the Taliban, anti-western, makinghuman rights abusers, looking to the drug trade, involving the training and base areas for terrorists, that is a destabilizing force for the whole region and this Administration, I think bears full responsibility for whatever deals it has cut with whichever powers, whether they be Pakistan or Saudi Arabia or whoever this deal was cut for this Taliban regime to continue to have a destabilizing force for the whole region."

March 17, 1999—International Relations Committee Hearing: "I have been preparing for the past six years. I have found no willingness on the part of this administration to even try the alternatives I have suggested. I have come to the conclusion that our goals are different. But for the time being I will give you the benefit of the doubt. The stakes go far beyond Afghanistan. There will be no peace in central Asia, or on the subcontinent between India and Pakistan until the U.S. takes responsibility for the situation in this region or elsewhere with a policy that is not based on the fundamental principles of representative government and opposition to tyranny."

September 23, 1997—House Floor Debate: "...The extremist Taliban Movement is not our terrorist organization. This being of the Afghan people, they pose a grave threat of fundamentalist violence in neighboring countries, especially Pakistan, and their extremistic role in our political role in the region. The Taliban currently provides a haven for terrorists such as bin Laden of Saudi Arabia and the training for terrorist organizations now operating in Egypt, the Balkans, and the Philippines."

October 29, 1999—International Relations Committee Hearing: "Well, as I reminded the full committee at a hearing last week, what is happening in Pakistan has been predicted for a number of years. I personally predicted it time and again saying that if we do not do something about Afghanistan that it would bring democracy down in Pakistan. I do not know how many times I have expressed that, and the chickens are coming home to roost in terms of the policy by the United States government that led to this very situation."

August 10, 1998—Letter to Karl Inderfurth (Asst. Sec. State): "In short, unless this administration starts taking a more responsible approach, you will continue to fail miserably, with all the serious national security implications that apply to the United States and Pakistan."

Well, I knew at that time that this would come back to haunt us; and I am sorry, and it makes us all heart sick to figure that this could have been averted. The heinous crimes committed against us in New York and at the Pentagon was a result of making this clear, was a result not only of bad intelligence but bad policy. That bad policy started when George Senior walked away from the Afghan people. George Bush Senior was President of the United States and walked away.

That policy was made worse when President Bill Clinton, who, for whatever reason, decided that he was going to go on quietly backing the Taliban. And again, that might have been an understandable agreement from the Bush administration with the Saudis and the Pakistanis, but there was no excuse for any President to keep that agreement going when it was so clear that it was working against the people of the world and the security of the United States.

So, in a way, we cannot fault bin Laden for being what he is. We cannot fault him for being a nut case that hates America. The same is true of Mullah Omar and the rest of his Taliban minions. They are mentally unstable and live in their own world. Putting this into perspective, Reverend Jim Jones, who spouted out Christian verses and coupled them with Karl Marx as part of his own dogma, he gave himself the title of his own god, and remember that, that killed them after leading them into a jungle fortress in South America.

Yes, human beings can do crazy things and can be totally irrational. It is our government’s job, however, to provide us with a consistently dangerous nation. That is why we spend billions of dollars on defense and intelligence.
So that leaves us with the question of accountability. Yes, bin Laden and the Taliban, even though they are as crazy as they are, they must pay the price. The Taliban will be driven from power. They must be driven from power. And bin Laden and his gang of murderers must be hunted down and executed by our forces or by the Afghan people, who they have tortured and murdered. Whoever, as long as these perverts and killers are eliminated.

But that is not enough. We must also hold accountable those in our government who are supposed to protect us, but let us down; 6,000 of our fellow citizens were slaughtered by anti-American terrorists. Why were we not warned of the horrific attack about to be launched against us?

The war was a failure of American intelligence in our history, and those who failed must be relieved of their responsibilities if a repeat of this horror story is to be prevented. There was a headline in the Washington Post on September 14 suggesting that American intelligence services had been conducting a secret war against bin Laden for several years. If that is true, then even more we need to fire the incompetent leaders of that covert war. They were responsible for protecting us from this specific terrorist gang. The heads of our intelligence agencies were focused on bin Laden, and they totally missed a terrorist operation of this magnitude run by their number one targeted terrorist leader.

I cannot help but remember a few years ago I was called by a friend who had worked in Afghanistan during the war against the Russians. He indicated that he could pinpoint bin Laden’s location. This man is an incredible source. He has credibility. He worked in Afghanistan. I passed on his phone number to the CIA. After a week when they had yet to contact him, I called the CIA again. After another week, there was no response. Our CIA supposedly focused on bin Laden, a man who was a very credible source who knew Afghanistan had pinpointed bin Laden, they did not even call him off. I contacted the gentleman from Florida (Mr. Goss), chairman of the Permanent Select Committee on Intelligence, and I headed in the next day to meet with a bin Laden task force, the CIA, the NSA, the FBI. Then I found out hundreds of people full time on our employment rolls being paid good salaries with all of the backup focused on bin Laden. I gave that to the next day’s number; and after a week they, too, had not called him.

Finally, when I talked to the gentleman from Florida (Mr. Goss) and told him that even that group had not called my friend, he must have shamed them, I was told virtually the next day his friend called my friend. But when my friend got the telephone call, they acted like they were not interested and they were just going through something they had to do. Anyway, a month had already passed since he moved forward to try to tip us off on how to capture bin Laden.

This is but one of many stories, many examples. We know this one is true. I do not believe some of the others are true as well. But it suggests that there has been less than an energetic commitment by the last administration to get bin Laden, and this was after he had bombed a military barracks on Saudi Arabia.

After that attack on America, bin Laden was banished from Saudi Arabia, and he moved then to Sudan. This is where he set up al-Qaeda, and that is the organization which probably was behind the September 11 attack on New York and the Pentagon. It is significant then that after bin Laden left the Sudan and set up operations in Afghanistan, that the Government of Sudan offered the United States a file on bin Laden’s terrorists. They had all of his communications monitored. They apparently had all of his operatives around the world catalogued, as well as all of his secret bank accounts.

This was information from a credible source, a country who wanted to curry favor with us. Even if it proved inaccurate, we had nothing to lose by taking a look at that information. Our CIA refused to even look at it, much less take possession of it and less, invest in it. The very idea to treat this offer from Sudan, it is reported that this offer was rejected by Madeleine Albright herself, who insisted that the file not even be accepted, much less pursued.

Mr. Speaker, I submit for the RECORD an article detailing this incident.

[From The Observer, Sept. 30, 2001]

RESENTFUL WEST SPURNED SUDAN

Security chiefs on both sides of the Atlantic repeatedly turned down the chance to acquire a vast intelligence database on Osama bin Laden and more than 200 leading members of his al-Qaeda terrorist network in the years leading up to the 11 September attacks, an Observer investigation has revealed.

They were offered thick files, with photographs and detailed biographies of many of his principal cadres, and vital information about al-Qaeda’s financial interests in many parts of the world.

On two separate occasions, they were given an opportunity to extradite or interview key bin Laden operatives who had been arrested in Africa because they appeared to be planning terrorist atrocities.

None of the offers, made regularly from the Sudanese government, was accepted. Sudan’s offer of September 1995, was taken up. One senior CIA source admitted last night: “This represents the worst single intelligence failure in this whole terrible business. It is the key to the whole thing right now. It is reasonable to say that bin Laden and his associates had a better chance of preventing the attacks.”

He said the blame for the failure lay in the “irrational hatred” of the Clinton administration for the source of the proffered intelligence—Sudan, where bin Laden and his leading followers were based from 1992-96. He added that after a slow thaw in relations which began last year, it was only now that the Sudanese information was being properly examined for the first time.

Last weekend, a key meeting took place in London between Walter Kansteiner, the US ambassador to Sudan, and CIA representatives, and Yahia Husseien Baviker, the Sudanese intelligence deputy chief. However, although the intelligence between Sudan and the United States is now open, and the last UN sanctions against the African state have been removed, The Observer has evidence that a separate plan made by Sudan to share intelligence with the US has been rejected. This follows four years of similar rebuffs.

“[If someone from] M16 comes to us and declares himself, the next day he can be in Khartoum,” said a Sudanese government source. “We have been saying this for years.”

Bin Laden and his cadres came to Sudan in 1992 because at that time it was one of the few Muslim countries where they did not need visas. He used his time there to build a lucrative web of legitimate businesses, and to seed a far-flung financial network—much of which was monitored by the Sudanese intelligence service.

They also kept his followers under close surveillance. One US source who has seen the files on bin Laden’s men in Khartoum said some were “an inch away” from arrest.

They included photographs and information on their families, backgrounds and contacts. Most were Yemenis and Egyptians who had fought with bin Laden against the Soviets in Afghanistan.

“We know them in detail,” said one Sudanese source. “We know their leaders, how they implement their policies, how they plan for the future. We have all this information to American and British intelligence so they can learn how this thing can be tackled.”

In 1996, following intense pressure from Saudi Arabia and the US, Sudan agreed to expel bin Laden and up to 300 of his associates. Sudanese intelligence believed this to be a great mistake.

“There we could keep track of him, read his mail,” the source went on. “Once we knew him out and he went to ground in Afghanistan, he couldn’t be tracked anywhere.”

The Observer has obtained a copy of a personal memo sent from Louis Freeh, former director of the FBI, after the murderous 1998 attacks on American embassies in Kenya and Tanzania. It announces the arrest of two named bin Laden operatives held the day after the bombings where they crossed the Sudanese border from Kenya. They had cited the manager of a Khartoum hotel, who later said one Suda

The US sources have confirmed that the FBI wished to arrange the immediate extradition. However, Clinton’s Secretary of State, Madeleine Albright, forbade it. She had classed Sudan as a “terrorist state,” and three days later US missiles blasted the al-Qaeda safe house between Sudan and the US.

The US wrongly claimed it was owned by bin Laden and making chemical weapons. In fact, it supplied 60 percent of Sudanese exports. In another example, a key lead about bin Laden in 1992 was thrown away by the acting director of the FBI, Freeh.

“After the 11 September attacks, we have been warning of the horrific attack about to be launched against us. There we could keep track of him, read his mail,” the source went on. “Once we knew him out and he went to ground in Afghanistan, he couldn’t be tracked anywhere.”

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Pakistan. Their present whereabouts are unknown.

Last year the CIA and FBI, following four years of Sudanese entreaties, sent a joint investigative team to establish whether Sudan was in fact a sponsor of terrorism. Last May, it gave Sudan a clean bill of health. However, even then, it made no effort to examine the volume of Sudanese support for bin Laden.

So bin Laden and the Taliban must pay for their crime. There is no doubt about it. And if we are looking for accountability, let us look at George Bush, Sr., who walked away from Afghanistan and left the Pakistanis and the Saudis to do what the United States should have done, which is help rebuild their country. There is accountability there. And the Clinton administration, as I have said, must bear a heavy responsibility for a policy, a secret policy, that made a bad thing much, much worse.

Our intelligence agencies, they, too, must be held responsible because obviously there has been a great deal of incompetence and carelessness, that led to the death of 6,000 Americans by this terrorist gang who was supposedly the number one target of our intelligence system.

But there are two other institutions that have a job and contributed to this tragedy that we face. Number one, let me note and this is going to be short, I think the news media has to bear some responsibility. I made these statements about Afghanistan on numerous occasions. The news media was there. There were lots of reporters listening. Not one reporter said the gentleman from California (Mr. Rohr-Abacher) has a right to read these documents. We are going to do a story on one Congressman’s battle to do the oversight in his committee that he is supposed to do.

I did not see any of the newspapers, the Washington Post or the New York Times or the L.A. Times doing this. They did not cover the story. The news media were too concerned with what? They were too concerned about President Clinton’s sex life and stories about the sex life of one of our fellow Members of Congress and some affair he had with an intern. Let me say certainly I am not saying that they should ignore these sex stories, but the news media did not have to spend all of their resources and all of their efforts and every story dealing with these sex stories when there were monstrously important stories to cover.

Now we know with just a little bit of effort and time and energy and commitment to some research into what was going on in Afghanistan, we could have been warned by our news media and this could have been averted. The news media was so busy trying to sell papers with sex, get listeners in their broadcast area with sex stories, that they let the American people down; and they should take that seriously.

Second, I think Congress bears some responsibility. We have oversight committees. I do not believe we take our oversight as seriously as we should. I say that for myself as well, even though as Members can see by this example today, I tried my best at least in this situation where I felt it was a life-and-death situation to do my job of oversight.

There are far too many people who just accept baloney from government agencies. I have been briefed by the CIA so many times; I have been briefed by the intelligence services. They give us nothing, and we accept it. We in Congress must do this job that we have in law. We have to be more serious about it in our oversight responsibility. I think we have to bear some of the responsibility ourselves.

Mr. Speaker, the slaughter of these thousands of Americans must be avenged. We must see to it that this monstrous crime never happens again. To accomplish this, we must correct the flaws in our system, and all of us must do our job better than we are doing it today.

Now when we are moving against the terrorists in this last phase, moving up to today, we must make sure we are united, and we must make sure that we are strong and smart.

The last time America mobilized our forces and sent them to the other side of the world to fight a criminal regime was during the Gulf War; and that war fighting, that was a situation where we fought the war very well. Our troops did very well, but the political and the strategic decision-making during that last conflict 10 years ago was a disaster.

Again, George Bush, Sr., was President, and just like in Afghanistan, he ordered America to walk away before the job was done. In the case of Iraq, two or more days of fighting would have brought Saddam Hussein down. Instead, we left him in power; and today his regime remains a major security threat to the United States and to the Gulf region.

Would anybody be surprised to find out that Saddam Hussein had something to do with the murderous assault on September 11? We should not have left him alive; we should not have left that regime. We should have helped build a democratic alternative to Saddam Hussein’s regime. Perhaps out of consideration to the Saudis, again, we did not do that; and we should have. It would have been consistent with our own ideals, and it would have been practical in the long run.

So our policy was decided by George Bush at that time who left Saddam Hussein in power, and President Clinton in terms of his recent decision with the Taliban, we put the right people in power; and we have ended up with America in danger, with American lives in danger.

Believe it or not, some of the same old faces from the first Bush administration are popping up, and I am talking about George Bush, Sr., are popping up to fight this war, even though they screwed up in the last one. The advice that they are giving, as one would expect, is dead wrong.

There are those, for example, in the State Department and the CIA who have argued from the onset of the current crisis that we should be satisfied with having bin Laden handed over to the Pakistanis. The Taliban should be permitted to remain in power. This is vital for every American to understand. We have powerful forces in Washington working right now to have the Taliban stay in power. What? After what happened to Saddam Hussein, we are going to keep these crazy people in power? What is behind this suggestion? The suggestion is because we have to be considerate of Pakistan. Oh, something might happen to Pakistan. They were the ones that created the Taliban in the first place. They were the ones who kept the Taliban in power.

Now, even after 6,000 Americans have lost their lives, senior American officials at the CIA and the State Department want American policy to reflect the wishes of Pakistan. We heard this... Because of this mind-set we still have forces within the CIA to this day undermining potential alternatives to the Taliban Government and potential alternatives that the Pakistani Government would not like. They are even holding up support and supplies for these brave Afghans who would fight with us to overthrow the Taliban regime.

In the middle of a conflict in which these rag-tag armies who are opposing the Taliban are our greater allies, the CIA and the State Department have leaked negative stories about the so-called Northern Alliance. If Members have heard something negative about the Northern Alliance, it is because our own State Department and the CIA have been trying to undermine it.

Our own government’s foreign policy officials have been sowing this dissen- sion and undercutting the support for these people because they would like to have someone else who is more acceptable to the Pakistanis to be the leaders of Afghanistan.

Mr. Speaker, America should be in favor of the people of Afghanistan running their own government, and we have an alternative. Let us all remember, America’s greatest allies in this and Afghan people themselves. The desire to dominate Afghanistan by Pakistan is what created the evil force, the Taliban, in the first place.

So what is our alternative? We have an alternative, and we should not be undermining it. First of all, we need to support those people who will fight to liberate their country from the Taliban. But there is another alternative in terms of government. It was a golden age which almost all Afghans remember; it was a moment like Cam- bodia, and it helped and provided prosperity for decades in Afghanistan. That is when the old King, Zahir Shah, ruled Afghanistan. He ruled for almost 4 decades.
As I say, he was overthrown in 1972 and that is what began that cycle of horror that they have not even finished yet. But millions of Afghans remember the King and they have told their children, that was a good time for our country.

Well, King Zahir Shah still lives. He is 86 years old. He lives in exile in Rome. The old King is the most beloved person in Afghanistan. The people love him there, but our government underlined that right way down with our government with CIA officials and State Department officials in our government, they have done everything they can to suppress even the consideration of bringing back the King as an alternative. As I say, the people of Afghanistan love the King.

There was a very famous meeting that took place among Taliban leaders and one that they were badmouthing that took place among Taliban leaders in Ghazni, in Afghanistan, love the King. In Afghanistan, there are many tinhorn dictators, we backed despots and strong guys, and in the Muslim world we had a series of alliances with corrupt and repressive regimes, many of them just based, as I say, on a royal family or some tough guy who was willing to do our bidding. That is not what America is supposed to be about. It would be a better world if we would not need to continue that past mistake.

The exiled King of Afghanistan wants to help in a transition for his country into a more peaceful and democratic nation, like the King of Spain did for his people after his people were plagued by a dictatorship for decades. The United States, in fact, should be working with other monarchies who are willing to do this, too, monarchies to evolve into a democratic process. The royal family in Qatar, for example, is establishing an electoral process in which the rights of women to vote are being respected. In Kuwait they are going somewhat in the same direction. But by and large America’s dealings in the Arab world portrayed the cause of liberty and justice. If we just stick with our ideals, stick with people who want to make a difference in this world, who have good hearts and want and believe in treating people decently and believing in our government, we will win. We will affect the entire world. We must make allies with those people in the Islamic world, for example, who want to live in freedom, want to have a democratic government and believe in human rights, be able to have a peaceful and prosperous life for their children. Even in Afghanistan, these people would be on our side and they would throw away any relationship with blood-thirsty fanatics.

We do not need to use our troops to invade Afghanistan. Let me make this clear. We are going to hear stories ofissossion in the ranks of the anti-Taliban forces. No, there is no dissonance. They know that they support the King, but they also hold by our own government that there is dissonance. These people will do the job. The anti-Taliban coalition is ready to overthrow the rule of the Taliban.

They might need some help from Special Forces people, people who can help them with logistics or with some ammunition, let us say, but the Afghans do not need us to fight. They know how to fight and they are willing to liberate their land from these fanatics and terrorists who have held them hostage. With our help they can free themselves and we can join with them after they free themselves from the Taliban in hunting down and killing every member in bin Laden’s terrorist gang and bringing them to ultimate justice. I am saying this not as revenge, because that would be inconsistent with our own values, but killing bin Laden and his gang of fanatics and by joining in an effort to stamp out the scourge of terrorism, we are setting a new moral standard and we are determining future such terrorism.

The United States has led the world in the defeat of the totalitarianism of the 20th century. We can now defeat the evil of terrorism by elevating the commitment of civilized nations not to make war on unarmed people. Perhaps it will be called the George W. Doctrine. But what our President is suggesting is that targeting noncombatants anywhere in the world for what reason will no longer be tolerated.

This can truly be a step forward for the forces of civilization if this becomes a new standard. We are indeed building a better world for the nations of the World Trade Center. If it is to be a new standard and not just a justification for our retaliation for the September 11 massacre of our people, if it is to be a new standard, it will help us build a new world on the ashes, we have to start, however, by seeing to it that the bin Ladens of this planet are never again given safe haven. So it not only means hunting down the terrorists but a commitment by a government. No matter who is in there to give safe haven, not to themselves make war on noncombatants but not to give safe haven to terrorists who make war on noncombatants.

On September 11 marks the end of an era. The monstrous crime against our people has set in motion a wave of actions and reactions that will change our lives and change our government and change our world. There must and will be an accounting. At home, in those top government executives and the policies that protected the Taliban, they will be held accountable. Those intelligence officers who were so incompetent that this attack came without warning and those top government executives and the policies that protected the Taliban, they will be held accountable. Those intelligence officers who were so incompetent that this attack came without warning and those top government executives and the policies that protected the Taliban, they will have to be held accountable.

Especially these people, they are very high-level people I am talking about. I am talking about people who are professional, they are in every department as I say; no matter who is in there, Republicans or Democrats, and they found that these are cushy jobs. They must be cleared out and fired and replaced by people who take their job seriously and have the energy and vision to meet the challenges of today and in the years ahead.

Those countries, Afghanistan, Pakistan and Saudi Arabia, have a price to pay. To be fair, the Pakistanis and the Saudis now understand the horrible things that they have done and are trying to work with us, but they have got to make up for the colossal mistakes they have made and we have got to make sure that we are the ones making the decision, not them making the decisions for us.

Finally, the murderous terrorists themselves, they have the ultimate price to pay. On that, there can be no compromise. We will have a victory that has always been our defenseless fellow Americans and we will win because we are unified as never before and because this generation of Americans has the courage, the tenacity, the ideals and, yes, the will to lead America’s greatest source of strength. It is up to us, we will do our duty, and nothing will deter us.
Last month, Congress helped the airlines with the airline bailout bill. That was for the airlines. However, we left the workers behind. They received nothing, the workers who are or, in so many cases, were the heart and the soul of the airline and tourism industry. That is why I am a proud co-sponsor of H.R. 2955, which would provide financial assistance, training and health care coverage to employees of the airline and related industries who lost their jobs as a result of the September 11 tragedies.

What type of economic stimulus package can best help the tourism industry and the people I represent, many of America’s workers? As Federal Reserve Chairman Alan Greenspan warned, it is better to be right than to be quick. Yes, we need to get this right, but what we must do is be honest with each other. The American public must acknowledge that any economic stimulus package will likely push the federal budget into deficit. We spent $40 billion last February after September 11. We spent $15 billion the next week on the airlines. Now we are talking about a stimulus package over $100 billion. We need to understand that this money that we are spending, plus the regular spending that we are doing for the coming year, will put us into deficit. We need to work in a bipartisan fashion to develop a responsible stimulus package that boosts the economy in the short term, yet lays the groundwork for long-term prosperity. An effective stimulus package will help the economy get back on its feet by putting money in the hands of those who will spend it.

Last week I was disappointed to hear President Bush describe a stimulus plan that I think is built on ill-advised tax cuts, some of those tax cuts that he did not get done in the first package that he passed through the Congress. The effect of the President’s plan would be to stimulate the economy through the use of long-term tax cuts. Given that so much of the imaginary surplus that was meant to finance the tax cuts has disappeared, this plan is ill-advised.

All items in an economic stimulus package should be temporary, not permanent. We need to provide immediate stimulus without doing harm to the long-term budget outlook. I support a short-term package that boosts consumer confidence, encourages investment and maintains fiscal discipline which will help keep our long-term interest rates in check. I hope that that is what Congress decides to help the people with.

Mr. BARTLETT of Maryland. Mr. Speaker, today America is the undisputed superpower of the world. How did we do that? We do not have the most oil or the most gold or silver or diamonds. We do not have the best agricultural land. But yet we are the envy of every Nation in the world. How did we get here?

What I want to spend the next few minutes doing is looking at what made America great, and to do that I am going to plagiarize a sermon given by Dr. Richard Fredericks of the Damascus Road Community Church.

In the quotes that I will give, there will be lots of mention of Christianity. I would like to note that in the time in which these quotes were made, Christianity and religion were essentially equivalent terms; so when you hear Christianity, please think God-fearing person, rather than a specific religion or specific sect.

After the terrorist attacks, it is important that we celebrate our Nation’s independence and freedom; that we pause to reflect on our national heritage as a defender of freedom and justice, to remember that our Founding Fathers and hundreds of thousands and millions before us bought our freedom at a price. Freedom is never free.

Our national freedom was very costly. Five of the 55 signers of the Declaration of Independence were captured and executed by the British, nine of them died on the battlefields of the Revolutionary War, and another dozen lost their homes, possessions and fortunes to British occupation. Our birth as a Nation was not cheap for these men.

What beliefs and convictions motivated them to do what they did? Increasingly, Mr. Speaker, in the United States today we are told that our Founding Fathers intended there to be this solid, necessary and protective bond between the church and state, to separate them, to keep each exclusively in its respective sphere of influence.

The key phrase we now use, which first appeared in the judicial vocabulary in the United States in 1947, is the separation of church and state. By and large, Americans have accepted or acquiesced to this new phrase, though it nowhere appears in the United States Constitution or in the first amendment, where the three words “separation of church and state” are not even found at all.

Actually, those three words first appeared together in another constitution. It is the constitution of the United Soviet Socialist Republic. Let me read from article 124.

In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state and the schools from the church.

The logic behind this phrase is that religion is a private matter that should neither guide nor even be allowed to possibly influence public education, the formation of minds, government
The Pilgrims came to America not primarily in search of riches. In fact, many of them left riches to come. The Pilgrims believed that God created the world and then left it alone. He reserved the unique bases of our national government and offered the guiding norm for our nation is now an illegal act. Violators of this no-faith-in-the-public-arena dictum are attacked by the American Civil Liberties Union and other watchdog organizations of our now secularized government, legal and public educational systems. Every year teachers are fired for the single offense of answering questions on the meaning of life with a reference to their faith in God, while teachers advocating homosexuality or adultery are protected due to personal rights and freedom of speech.

In the grand American experiment, freedom or liberty has always been the key word and the founding principle. Our Liberty Bell quotes from Leviticus 25:10, "proclaim liberty throughout all the land." The Pilgrims came to America not primarily in search of riches. In fact, many of them left riches to come here, but to obtain freedom to worship, as did most who followed them for the next two centuries.

The American revolution from Britain was about the establishment of a just and free citizenry. Even our bloodiest war, the one that claimed more American lives than all other U.S. wars combined, the American Civil War, was at its heart a battle over two definitions of freedom.

In the grand American concept of freedom is now defined as the freedom to say anything, show anything, believe or promote anything, and act in any way, with no submission to regard or even respect toward any concept of a guiding prescriptive truth or morality. There is only one kind of freedom of speech the first amendment no longer protects in this new era; that is prayer. Academic freedom has become the freedom of student or teacher to hold or express views against any national organization or patriotic, moral or religious principle without fear of arbitrary interference, except if the student is deemed bigoted, homophobic, chauvinistic, anti-feminist, imperialistic, police-raid patriotic, religious, politically conservative or otherwise politically incorrect. Then he must be shamed.

The only model virtue that is still taught in our secular universities, one that must be protected, is absolute tolerance towards all views and lifestyles as equally valid, valuable and honorable, except any faith-based moral view that challenges that assumption. Then absolute intolerance toward that person is a virtue.

Offically, this all began only about 50 years ago when the Supreme Court made a sharp 180 degree turn. With no historical precedent, they began to uphold the idea that untold damage could be done to American liberty unless the States and courts rejected all recourse or reference to the law of God, the principles of the Bible, and especially the morality and world view that flows from the Bible as opposed to the world view that flows from the new laws and the new social order.

To allow the Christian faith to shape the public arena is now condemned as unconstitutional, a reference to its interpretation of the United States Constitution and its subsequent amendments. Since then, our children are taught from grade school through college a view of United States history that claims America never really was a Christian nation. The textbooks are bled dry of all Christian references. They are taught that the Founding Fathers were primarily atheists or deists.

Deism is a belief that God created the world and then left it alone. He removed himself from its affairs so that there is no divine intervention or interaction. God does not answer prayers or get involved in any way. Students are taught that primarily the atheistic, humanistic philosophers of the enlightenment shaped the thinking and writings of America’s earliest leaders. Little can be said in the classroom concerning the central role the Bible played in shaping the principles of government which guide our nation.

Increasingly, Christians that seek to express their faith as the guiding factor in their decisions and actions in the workplace, the arena of politics, or in tax-funded education of their children are punished or censored legally and ridiculed personally as dangerous right wing religious fanatics.

My goal is twofold: first, I want to set the record straight by exposing the lie that the last 40 years of revisionist history and arbitrary judicial legislation concerning American history, the faith of the Founding Fathers and the intent of the United States Constitution, especially the first amendment, which protects religious freedom; and, second, I hope to instill in our hearts a renewed boldness for believing that only a true Biblical Judeo-Christian world view can sustain it.

Now, let me take you back on a journey. Were the Founding Fathers deists or atheists? Actually, 52 of the 55 signers of the Declaration of Independence were orthodox, deeply-committed Christians. The other three all believed in the Bible as divine scripture, and his personal intervention. This deep personal faith was also true of all of our Presidents until recently.

This explains why when you go to Washington, D.C., everywhere you turn there are scriptures written on every monument and building. This explains why the same Congress that signed the Declaration of Independence also formed the American Bible Society, which the second and sixth U.S. Presidents served as chairman of. This explains why after creating the Declaration of Independence, immediately the Continental Congress voted to purchase and import 20,000 copies of scripture for the people ofation.

They were not deists or atheists, but believed that the foundation of this new Nation must rest on the revealed truth of scripture and morality and the constant sovereignty of God revealed in scripture.

Let us let them speak directly. Patrick Henry is called the firebrand of the American Revolution. His words spoken in St. John’s Church Richmond on March 23, 1776, "Give me liberty, or give me death," are still memorized by students. But in current textbooks the contents of these words is deleted. Here is what he said.

"An appeal to arms and the God of hosts is all that is left us. But we shall not fight our battle alone. There is a just God that presides over the destinies of nations. The battle, sir, is not to the strong alone. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it Almighty God. I know not what course others may take, but as for me, give me liberty, or give me death."

These sentences have been erased from our textbooks. Was Patrick Henry a Christian? The following year, 1776, he wrote this: "It cannot be emphasized too strongly or too often that this great Nation was founded not by revolutionists, but by Christians; not on religious grounds, but on the Gospel of Jesus Christ. For that reason alone, people of other faiths have been afforded freedom of worship here."

Now to the man that historical revisionists almost always claim was a deist, thus who believe God was not concerned in the affairs of men, Benjamin Franklin. Was Benjamin Franklin a deist? Let us allow him to speak for himself.

The time was June 28, 1776. Benjamin Franklin was 81 years old, Governor of Pennsylvania and the most honored member of the Constitutional Convention. The convention was deadlocked over several key issues of State and Federal rights when Franklin rose and reminded them of the Continental Congress in 1776 that shaped the Declaration of Independence.
This is what he said: “In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now any more essential object to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business.”

There, in a letter to the French Minister of State, Franklin, speaking of our Nation, said, “Whoever shall introduce into public office the principles of Christianity will change the face of the world.”

The other deist, it is claimed, probably with most evidence, was Thomas Jefferson. Jefferson was a great student of scripture who honored Christ as his greatest teacher and mentor but doubted his divinity. But was Jefferson a deist? On the front of his well-worn Bible Jefferson wrote, “I am a real Christian, that is, the idea of three distinct branches of government was also ratified in 1776. All required leaders to take an oath similar to the oath of Delaware: “Everyone appointed to public office must say, ‘I do profess faith in God the father and in the Lord Jesus Christ, his only son, in God in whom I live and die, and in no other God who is blessed for evermore I do acknowledge the Holy Scriptures, both Old and New Testaments, which are given by divine inspiration.’”

At the time of our Nation’s bicentennial in 1976, political science professors at the University of Houston began to ask some key questions: Why is it that the American Constitution has been able to stand the test of time? Why has it not gone through massive revisions? Why is it looked upon as a model by dozens of nations? What wisdom possessed these men to produce such an incredible document? Who did they turn to for inspiration?

They spent 10 years cataloging 15,000 documents of the Founding Fathers. They found that the Founding Fathers most often quoted these three men. The most quoted was Baron Charles Montesquieu, who wrote in his Spirit of the Laws, 1748: “The Christian religion, which orders men to love one another, not only promotes the civil laws, but also the most civil laws for each person. The morality of the gospel is the noblest gift ever bestowed by God on man. We shall see that we owe to Christianity benefits which human nature alone can never sufficiently acknowledge. The principles of Christianity, deeply engraved on the heart, would be infinitely more powerful than the false monarchies, the humane virtues, or the servile fear of despotic states.”

The second most quoted was Sir William Blackstone, a devout British law professor who believed all laws must be proved from Scripture, and the third was John Locke. When writing on civil government Blackstone quoted the Bible 102 times. Yet, most importantly, they found that the Bible itself was directly quoted four times more than Montesquieu, six times more than Blackstone, and 12 times more than John Locke. In fact, 34 percent of all of the quotes and the writings of the Founding Fathers were direct word-for-word quotes from the Bible. Further, another 60 percent of their quotes were wordier quotes from the Bible, so that an incredible 94 percent of all of the quotes in these 15,000 documents were direct quotes from or references to the Bible.

So how did they produce a document that has withstood the test of an evolving government and growing Nation for 225 years? The answer: these men were steeped in the word of God. They understood their need of its constant direction, and they established a Nation based on its unifying principles.

Let me illustrate that fact more. When the Founding Fathers were trying to figure out the most effective form of government, they came up with the idea of three distinct branches of the Federal and State government. Do we know how they decided that? They looked to Isaiah 33:22: “For the Lord is our judge, the Lord is our law-giver, the Lord is our king. He will save us.” Further, they decided there must be a separation between these three branches of government to protect from the rise of despotism. They based that conviction on a true understanding of the human heart they found in Jeremiah 17:9: “For the heart is more deceitful than all else and desperately wicked. Who can know it?”

When they sought to develop strong churches throughout the land, and they were encouraged, but not supported, by government funds, they set aside government lands to give to churches, and determined all churches were tax-exempt. We still honor that early conviction. That law was based on Ezra 7:24: “You are also to know that you have no authority to impose taxes, tribute, or duty on any of the priests, Levites, singers, temple servants, or other workers in the House of the Lord.”

These leaders knew their Bible, and they absolutely trusted its wisdom. So the first great lie in America today is that our Founding Fathers were not Christians seeking to establish a Christian Nation. They most decidedly were.

The second lie emerges from the first. It is that the Founding Fathers...
established a wall of separation between religion, especially Christianity and government, to ensure that these two would not mix. Do you know that 67 percent of Americans today believe that the phrase “separation of church and state” is part of the Constitution? Remember, “religion ... church and state” do not ever appear in the first amendment and appear nowhere together anywhere in the Constitution. Here is the truth: our Founding Fathers had every intention of establishing a distinctly Christian Nation. They had every intent of also giving freedom to Islam, Judaism, Buddhism, or Hinduism. Their intent was to establish a distinctly Christian Nation, but one where no one Christian denomination ruled over the other denominations, as had been the case in so much of Europe. They wanted to honor the fact that under God, all men are created equal in value and rights.

John Quincy Adams was the son of John Adams, the U.S. President and the 6th U.S. Minister to Russia, France and Great Britain; Secretary of State under James Monroe; and the sixth U.S. President. He was also the chairman of the American Bible Society. He considered his honor and most important role. Celebrating the 4th of July, 1821, President Adams said, “The highest glory of the American Revolution was this: it connected in one indissoluble bond the principles of civil government with the principles of humanity.”

Mr. Speaker, 104 years later, the 30th President of the United States, Calvin Coolidge, reaffirmed this truth on March 4, 1925:

“America seeks no empires built on blood and forces. She cherishes no purpose save to merit the favor of Almighty God.” He late wrote: “The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teachings would cease to be practically universal in our country.”

Not only our Presidents, but the Supreme Court, for 180 years consistently and categorically ruled in favor of church and state united hand in hand. The first ruling came in 1796, Runkle v. Church. The Supreme Court ruled: “The Justices sentenced him to 3 months in prison and a $300 fine, one month without punishment than convicted rapists who end up serving on average 85 days in jail.

In 1844, Vida v. Gerrard, a public school teacher, decided she would teach morality without use of the Bible. The Supreme Court ruled “why not use the Bible, especially the New Testament? It should be read and taught as the divine revelation in the schools. Where can the purist principles of morality be learned so clearly and so perfectly as from the New Testament?”

In a landmark decision rendered February 29, 1892, against the claim of the cult called the Church of the Holy Spirit that Christianity was not the faith of the church established by the Constitution, the Supreme Court did two powerful things in its ruling. First, Justice Josiah Brewer stated, “Our laws and our institutions must necessarily be based upon and embody the teachings of the redeemer of mankind. It is impossible that they should be otherwise; and in this sense and to this extent, our civilization and our institutions are emphatically Christian. No purpose of action against our religion can be imputed to any legislation, State or national, because this is a religious people. This is historically true.

From the discovery of this continent to this present hour, there is a single voice making this affirmation.”

But then the Justices went on, citing 87 different legal precedents to affirm that America was formed as a Christian nation by believing Christians. They even spent for the first 100 years tax dollars for Christian missionaries to do the work of evangelism on the frontiers and granted public lands for churches and churches-related schools.

Friends, regardless of how we feel about it today, the historical fact is that there was no separation of church and state, other than a lack of government funding of one denomination for 180 years of American history. They were one and the same. The first amendment did not separate religion from government; it simply ensured that no one denomination was favored over all others, as in England.

Let us move across the street from the Supreme Court to Congress.

One example will suffice. As humanism began to rise in the nineteenth century, some made challenges to the idea that America was a Christian Nation. Both Houses of Congress spent 1 year, from 1853 to 1854, studying the connection of America and the Christian faith.

In March 27, 1854, Senate Committee on the Judiciary chair, Senator Badger, issued its final report. Let me quote from this resolution:

“The first amendment religion clause speaks against an establishment of religion. What is meant by that expression? The Founding Fathers intended by this amendment to prohibit an establishment of religion, such as the Church of England presented, or anything implying a preference of one religion over another, or an establishment of religion itself, nor did they wish to see us an irreligious people. They did not intend to spread all over the public authorities and the whole public action of the Nation the dead and revolting spectacle of atheistic apathy.”

What would they say about us today? I continue to quote: “In this age there can be no substitute for Christianity. By its general principles, the Christian faith is the great conserving element on which we must rely for the purity and permanence of our free institutions. That was the religion of the Founding Fathers of the Republic, and they expected it to remain the religion of their descendants.”

Based on this report, in May of 1854, in joint session of Congress, this resolution was passed. This is a resolution passed by the Congress, and I quote: “The great vital and conserving element in our system of government is the belief of our people in the pure doctrines and divine truths of the Gospel of Jesus Christ.”

That was this Congress in May of 1854.

Let us move from Congress to our public schools. For over 140 years, after the first amendment was passed, we spent tax dollars to educate students in public schools that were distinctly Christian.

In 1782, the United States Congress voted this resolution, in 1782 our Congress voted this resolution: “The Congress of the United States recommends and approves the Holy Bible for use in our schools.”

In grammar schools from 1690 until after World War II, two books were the dominant teaching schools. The first and oldest was the New England Primer, used for 200 years from 1690 to almost 1900. The basics of alphabet were taught on Biblical verses.

One lesson went this way:

A. A wise son makes a glad father
d. But a fool is little with the fear of the Lord than abundance apart from him:
C. Come unto Christ, all you who are weary and heavily laden
E. Do not do the abominable thing, which I hate, sayeth the Lord.
B. Better is little with the fear of the Lord than abundance apart from him:
F. Except a man be born again he cannot see the Kingdom of God.”

The second great teaching tool for 100 years was the McGuffey Reader, which went through three editions and sold over 125 million copies until printing was stopped in 1882.

William Holmes McGuffey was the Professor of Moral Philosophy at Jefferson’s University of Virginia, and the first President of Ohio University.
President Lincoln called him the “Schoolmaster of the Nation.” In his introduction to teachers at the beginning of his textbook, McCuffey laid out his rationale. Let me quote just two brief paragraphs: “Religion is the religion of our country. From it are derived our notions on the character of God, on the great moral Governor of the universe. On its doctrines are founded the peculiarities of our free institutions.”

“From no source has the author drawn more conspicuously than from the sacred Scriptures. For all these extracts from the Bible I make no apology.” He went on to say his only apology is for not using the Scriptures more.

Mr. Speaker, why was America great? Because every student coming through our school system was memorizing scripture and learning the Biblical right and wrong; good and evil, sin and salvation. That was the express purpose of our Nation and our Founding Fathers. They were not deists nor atheists, nor were they trying to exclude religion from a guiding role in the Federal Government and all of its institutions.

Of the first 108 universities founded in America, 106 were distinctly Christian, including the first, Harvard University, chartered in 1636 and named after beloved New England Pastor John Harvard.

In the original Harvard Student Handbook, rule number 1, now this is in Harvard, think about it today, rule number 1 was that students seeking entrance must know Latin and Greek so that they could study the Scriptures:

“Let every student be plainly instructed and earnestly pressed to consider well, the main end of his life and studies is, to know God and Jesus Christ, which is eternal life, John 17:3; and therefore to lay Jesus Christ as the foundation of all sound knowledge and learning.”

For over 100 years, more than 50 percent of all of Harvard’s graduates were pastors.

America’s law schools for 160 years used Blackstone’s Commentaries to train attorneys. Every time that a model case or law was mentioned in Blackstone’s Commentaries, next to the law in the margin he would print all of the Biblical text that had been related and illuminated that law to prove that it was just. Those commentaries trained our lawyers for 160 years, and led to the conversion of many law students.

Perhaps the most famous example was Charles Finney, great American evangelist. Finney studied law, became a believer through reading Blackstone, and was used by God to convert 500,000 people in the great revivals of the 1830s and 1840s.

Mr. Speaker, this is why America was great. David Moore interviewed Bob Vernon, Assistant Chief of Police in the LAPD, in 1991. Chief Vernon had hosted a visiting delegation of leading police officers from the Soviet Union in 1989 who came to Los Angeles to see the model police force. They talked through interpreters.

After several days together, the chief Russian officer stood indignant, pointed his finger, and began to speak vehemently, with passion and conviction. Vernon asked, “What did I say? How did I offend him? What did I do wrong?” The interpreter said, “You did not do the law wrong. He is simply frustrated and asking you: ‘Why is it that America is going the way of the Soviet Union? Why are you moving in that direction? Can you not see that where we have been, it does not work? Why do you push God aside and seek to build only on yourselves?’”

That is the question, why? How do we get from where we were for two centuries to where we are in 2001? Let me tell the Members quickly.

First, the great lie. In 1947, the Supreme Court in Abington vs. Board of Education decided from every precedent for the first time and in a limited way affirmed a wall of separation between church and State in the public classroom. This was a totally new approach, a radical change in direction for the Supreme Court. It required ignoring every precedent of Supreme Court rulings for the past 160 years.

Then in 1963 less than 40 years ago, in Engel vs. Vitale, the Supreme Court removed prayer from public schools.

Since the founding of the Nation, public school classrooms had begun their day with prayer. Now that was declared unconstitutional and an arbitrary use of the word.

The prayer that was banished stated: “Almighty God, we acknowledge our dependence on Thee. We beg Thy blessings upon us and our parents and our teachers.”

But the Supreme Court, without any legal precedent, now declared such prayer to be unconstitutional. Really? The Declaration of Independence mentions God four times, twice in sentences that are clearly intended as written prayers. Is our Declaration of Independence unconstitutional?

Then things happened fast. On June 17, 1963, the Supreme Court ruled in Abington vs. Schenck that Bible reading was declared as unconstitutional in the public school system. The Court offered this justification: “If portions of the New Testament were read without explanation, they could and have been psychologically harmful to children.” Again, no legal or historical precedent was cited to back up this ruling.

Bible reading was now unconstitutional, though the Bible was quoted 94 percent of the time by those who wrote our Constitution and shaped our Nation and its system of education and justice and government.

In 1965, the Courts denied as unconstitutional the right of a student in the public school cafeteria to bow his head and pray audibly for his food. That is against the law in America. In 1980, Stone vs. Graham outlined the Ten Commandments in our public school system. The Supreme Court said this: “If the posted copies of the Ten Commandments were to exist at all, it would be to induce schoolchildren to read them. And if they read them, meditated upon them, and perhaps venerated and obeyed them, this is not a permissible objective.”

Mr. Speaker, why was America great? Perhaps the most permissible objective to allow our children to follow the moral principles of the Ten Commandments? James Madison, who was the primary author of the Constitution of the United States, said this about the Ten Commandments: “We have staked the whole future of our nation, not upon the power of government; far from it. We have staked the future of all our political constitutions upon the capacity of each of ourselves to govern ourselves according to the moral principles of the Ten Commandments.”

But the Supreme Court, bound to uphold the Constitution of the United States, ignored Madison’s interpretation of his own work. How odd, when the first Chief Justice of the Supreme Court to this very day the Ten Commandments are listed with the American eagle standing symbolically protecting them. Yet those justices said, “Not for our children.”

At the close of every Court session since its inception, the Supreme Court crier said, “God save the United States and the Honorable Court.” But we cannot say that in our schools.

What has happened in America in these past 40 years? When we were true to our roots, we were the greatest Nation in the world, the dream destination of millions in every country. But starting in 1963, the Bible was banned as psychologically harmful to children.

This year, 1989, we have an entry about the separation of church and State ever appeared in the World Book Encyclopedia under the United States.

What have we reaped? America 100 years ago had the highest literacy rate of any Nation on Earth. Today we spend more on education than any other Nation in the world, and yet, since 1987, we have graduated more than 1 million high school students who cannot even read their diploma.

We spend more money than any other Nation in the industrialized world to educate our children, and yet, SAT scores fell for 24 straight years before finally levelling off at the bottom in the 1990s.

Has this new protection from religion produced better students? Morally have they changed? Are things better in this new climate of protection from the dangers of religion?

In a 1969 survey, 53 percent of American teenagers had never kissed, and 57 percent said they had never necked, and that is “made out” in our current lingo, and 92 percent of teenagers in
America said they were virgins in 1960. By 1990, just 30 years later, 75 percent of American high school students are sexually active by 18.

In the next 5 years, we spent $4 billion to educate them on how to be immoral through trumpeting the solution that didn’t work. One in five teenagers in America today lose their virginity before their 13th birthday, and 19 percent of America’s teenagers say they have had more than four sexual partners before graduation.

The day, 2,700 students get pregnant, 1,100 get abortions, and 1,200 give birth. Every day, another 900 contract a sexually-transmitted disease, many incurable. AIDS infection among high school students climbed 700 percent between 1990 and 1995. We have 3.3 million problem drinkers on our high school campuses, over half a million alcoholics, and every given weekend in America, 30 percent of the student population spends some time drunk.

Three thousand children today will watch their parents get divorced, and over 60 percent of the children born this day will spend part or all of their childhood in a single-parent family. There are a quarter of a million reported cases of child abuse every single year, and one in three girls being sexually abused before they are 18, and one in 5 boys. That is America today.

Last year, a young woman in a high school in Oklahoma wrote this poem as a new school prayer. Let me read it for you:

“Now I sit me down in school Where praying is against the rule! For this great nation under God— Finds mention of Him very odd.

It violates the Bill of Rights. Finds mention of Him very odd.

Our hair can be purple, orange, or green. Our Nation, which used to lead the world commerce; in her universal pub-

ness and genius of America in her great

churches of America and heard her pul-

scripture challenges us in 1 Timothy

Here is how de Tocqueville summed

Here is the million dollar question: Are we better off today? Since we ban-

through what is happening in America?

Alexis de Tocqueville was a famous

which is still hailed as the

It is rather for us to be here dedi-

I urge then, first of all, that re-

I urge then, first of all, that re-

251, in which case the House shall

me to plagiarize his address.

I urge then, first of all, that re-

Our hair can be purple, orange, or green. That’s no offense, it’s a freedom scene. The law is specific, the law is precise! Only prayer spoken out loud are a serious vice.

For praying in a public hall Might offend someone with no faith at all. In silence meditate, God’s name is prohibited by the State. We are allowed to cuss and dress like freaks, And pierce our noses, tongues and cheeks. We are allowed to cuss and dress like freaks, And pierce our noses, tongues and cheeks.

Our Nation, which used to lead the world, every atom, now leads the world in these areas. We are number one in violent crime, we are number one in divorce, we are number one in teenage pregnancies, we are number one in volunteer abortions, we are number one in illegal drug abuse, we are number one in the industrialized world for illiteracy. What happened?

1545

First of all, Christianity went to sleep. Forty years ago the church gave up the public arena to an increasingly secular government and said we would focus on the souls of men. Actually, the first leader to call for three divisions was not one of our founding fathers. His name was Adolph Hitler, who told the preachers of Germany, “You take care of their souls and I will take care of the rest of their lives.” The Bible teaches that peace within a Nation comes as God’s people stay active and pray for their leaders.

Scripture challenges us in 1 Timothy 2:1-2: “I urge then, first of all, that requests, prayer, intercession requests for everyone, for kings and all in authority, that we may live peaceful and quiet lives in all goodliness and holi-

Here is how de Tocqueville summed up his experience:

“In the United States the influence of religion is not confined to the man-

ners, but shapes the intelligence of the people. Christianity therefore reigns

without obstacle, by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and in force. “I sought for the key to the greatness and genius of America in her great harbors; her fertile fields and boundless forests; in her rich mines and vast world commerce; in her universal pub-

sage from the Senate transmitting its

conditional adju

FRIDAY, OCTOBER 19, 2001

Mr. BARLETT of Maryland. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legis-

ative day of today, it adjourn to meet at 10 a.m. on Friday, October 19, 2001, unless the House sooner receives a mes-

age from the Senate transmitting its adop-

tion of House Concurrent Resolution 251, in which case the House shall stand adjourned pursuant to that con-

current resolution.

The SPEAKER pro tempore (Mr. SIM-

IONS). Is there objection to the request for the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:
Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3004. A bill to combat the financing of terrorism and other financial crimes, and for other purposes; to the Committees on the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Ways and Means discharged from further consideration. H.R. 3004 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Rules discharged from further consideration. H.R. 3005 referred to the Committee on the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3004. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than October 17, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of October 16, 2001]

By Mr. YOUNG of Alaska:
H.R. 3148. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Resources. [Submitted October 17, 2001]

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:
H.R. 3149. A bill to increase compliance with the registration requirement under the Military Selective Service Act by providing a temporary amnesty period during which persons who were required to present themselves for registration under such Act, but failed to do so in accordance with the time periods specified in a Presidential Proclamation Number 4771, may present themselves for registration without fear of penalty; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, and International Relations, 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. YOUNG of Alaska (for himself, Mr. MICA, Mr. PETRI, Mr. COBLE, Mr. DUNCAN, Mr. GLICKREST, Mr. HORN, Mr. ENGEL, Mr. BACHUS, Mr. LOUGHER, Mr. BAKER, Mr. NEY, Mr. COOKSEY, Mr. THRUNE, Mr. LOBONDO, Mr. MORAN of Florida, Mr. POMROY, Mr. DUMMIT, Mr. ISAIAKSON, Mr. HAYES, Mr. SIMMONS, Mr. BROWN of South Carolina, Mr. JOHNSON of Illinois, Mr. OTTERR, Mr. CULBERTSON, Mr. NICHOLESTON, Mr. ROGERS of Michigan, Mr. BERRUTER, Mr. REIBERG, and Mrs. CAPITO):
H.R. 3150. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and 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.

H.R. 3151. A bill to prohibit United States nationals, permanent resident aliens, or United States Government agencies from entering into agreements with foreign persons who prevent or inhibit a United States business from undertaking a commercial activity, or otherwise discriminate against the business, who hold or do not hold favorable business, professional, or personal beliefs, the business practices or associations, sexual orientation, race, or gender of an individual associated with the United States business, and for other purposes; to the Committees on International Relations, and in addition to the Committees on Financial Services, and 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. ACEVEDO-VILA:
H.R. 3152. A bill to direct the Secretary of the Army to reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, Puerto Rico; to the Committee on Transportation and Infrastructure.

By Mr. SLAGOEVICH:
H.R. 3153. A bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks; to the Committee on Energy and Commerce.

By Mr. MALONEY of Connecticut (for himself, Mr. TAYLOR of Mississippi, Mr. RYEN, Mr. CROWLEY, Mr. UNDERWOOD, Mr. LARSON of Connecticut, and Mrs. CHRISTENSEN):
H.R. 3154. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State and at least one such team under the direction of the National Guard Bureau; to the Committee on Armed Services.

By Ms. McKinney (for herself, Mr. ACEVEDO-VILA, Ms. BALDWIN, Mr. MCDERMOTT, Mr. KUCINICH, and Ms. LEE):
H.R. 3155. A bill to require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions, and for other purposes; with an amendment (Rept. 107–250, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

H.R. 3156. A bill to permit taxpayers to treat contributions made to retirement plans concurrently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:
H.R. 3157. A bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau; to the Committee on Energy and Commerce.

By Ms. WATERS:
H.R. 3158. A bill to amend title 18, United States Code, to ensure that acts of torture, as proscribed by the Torture Convention, are also recognized as criminal if committed in the United States; to the Committee on the Judiciary.

By Mr. WYNN:
H.R. 3159. A bill to amend the Internal Revenue Code of 1986 and the Office of Federal Procurement Policy to provide economic benefits to small businesses; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Small Business, 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. ARMED:
H. Con. Res. 251. Concurrent resolution providing for a conditional adjournment of the Senate for the current Congress in the event of the recall or adjournment of the Senate; considered and agreed to.

By Mr. FOSSella:
H. Res. 269. A resolution expressing the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Cerrillos, and for other purposes; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3008: Mr. RULSHOF.
H.R. 377: Mr. VITTER.
H.R. 951: Mr. NORWOOD and Mr. MALONEY of Connecticut.
H.R. 859: Mrs. CAPP.
H.R. 1325: Mr. PILNES.
H.R. 1509: Mr. THIENRY.
H.R. 1556: Mr. GOODLATTE, Mr. BOSWELL, Ms. HOOLEY of Oregon, and Mr. WELDON of Pennsylvania.
H.R. 1657: Mr. SHOWS.
H.R. 1718: Mr. DINGELL, Mr. HOBSON, Mr. FORBES, and Mr. CRANE.
H.R. 1774: Mr. WALSCH.
H.R. 1789: Mr. OWENS and Mr. FORBES.
H.R. 1919: Mrs. MORELLA, Mr. GLICKREST, and Mr. LUCAS of Oklahoma.
H.R. 2177: Mr. MOTT, Mr. KENNEDY of Rhode Island, and Mr. BRADY of Pennsylvania.
H.R. 2188: Mr. BRADY of Pennsylvania and Mr. BORSKI.
H.R. 2145: Mr. MCNULTY.
H.R. 2157: Mr. FLETCHER.
H.R. 2220: Mr. BORSKI.
H.R. 2316: Mr. REYNOLDS, Mr. CALLAHAN, Mr. HAYES, Mr. FOLEY, Mr. NUSSELE, and Mr. FLETCHER.
H.R. 2329: Mr. Snyder.
H.R. 2349: Mr. Olver.
H.R. 2357: Mr. Simpson and Mr. Chambliss.
H.R. 2363: Mr. Mascara.
H.R. 2380: Ms. Lee, Mr. Weller, and Mr. Johnson of Illinois.
H.R. 2417: Mr. Barton of Texas, Mrs. Capp, and Mr. Brown of Ohio.
H.R. 2578: Mrs. Christensen, Ms. Kaptur, Mr. McGovern, Mr. McKeon, Mr. McNulty, Mr. Pombo, Mr. Rohrabacher, and Mr. Wynn.
H.R. 2588: Ms. Slaughter and Mr. Baca.
H.R. 2623: Ms. Solis.
H.R. 2624: Mr. Moore.
H.R. 2740: Mr. Kucinich, Mr. Graham, Mr. Deal of Georgia, Mr. Forbes, Mr. Biontor, and Mr. Stearns.
H.R. 2830: Ms. McCollum.
H.R. 2837: Mr. Doolery of California and Mr. McGovern.
H.R. 2900: Mr. Wu.
H.R. 2955: Ms. Runes and Mr. Baldacchi.
H.R. 2957: Ms. Lofgren and Mr. Bohlert.
H.R. 2998: Mr. Blumenauer.
H.R. 3007: Mrs. Emerson, Mr. Underwood, Mr. Greenswood, and Mr. LoBiondo.
H.R. 3046: Mr. Hillery, Mrs. Myrick, and Mr. Miller of Florida.
H.R. 3067: Mr. Ross, Mr. Schiff, Mr. Doolery of California, Mr. Ashercombe, Mr. Kucinich, Mr. Stack, and Mr. DeFazio.
H.R. 3115: Mr. McGovern, Mr. Frost, and Mr. King.
H. Con. Res. 211: Mr. Blumenauer.
H. Con. Res. 243: Mr. Castle, Mr. Oxley, Mr. Pete, and Ms. Rivers.
H. Con. Res. 256: Mr. LoBiondo, Ms. Millender-McDonald, Ms. Kaptur, Mr. Waxman, Mr. Shimkus, Ms. McKinney, Mr. Johnson of Illinois, Mr. Wolf, and Mr. Underwood.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 2023: Mr. Show.
Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, whom to know is to love and whom to love is to serve, we ask for a fresh empowering of Your Spirit today. Renew in us the excitement of being partners with You in bringing Your best for America. We are here by Your divine appointment. Therefore, we need not fear; You will supply exactly what we need each hour of this day. Replenish our enthusiasm. May we do old duties with new delight. Revive our expectation. You have plans for us and the power to accomplish them. Regenerate our hope.

Make us hopeful people who expect great strength from You and attempt great strategies for You. Fill this Chamber with Your presence and each Senator and all of us privileged to be a part of the Senate family. Replenish our inner wells with Your peace that passes understanding. We claim Your promise through Isaiah, Fear not, for I am with you; be not dismayed, for I am your God, I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON 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 E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

TERRORISM IN THE OFFICE OF SENATOR DASCHLE

Mr. REID. Mr. President, I certainly do not have all the details, but we do know that more than 20 people in Senator DASCHLE’s office have been infected with anthrax. The tests have come back positive.

Senator DASCHLE had a meeting at the White House early this morning, and he has been meeting with his staff since he came back. I have not had an opportunity to speak with him. My heart goes out to Senator DASCHLE. I have spent a great deal of time with him and know what a caring person he is and how much he cares about his staff. I spend a great deal of time with his staff as a result of working with him on matters relating to the activities of the Senate. He has a wonderful staff. Sometimes I feel they are my staff. I am very close to Senator DASCHLE’s staff.

I can imagine the heartbreak he is experiencing as a result of these people going through this personal turmoil as a result of working for him. I know I speak for the entire Senate when I say that our thoughts and our prayers go out to Senator DASCHLE personally, his lovely wife Linda, and his entire staff that this will be of short duration. We have been told the sickness they have will be of short duration. Certainly, the medicine that is available will cure the problems that are present. We are fortunate we do have the medicine available to do this.

My thoughts cannot contemplate the evil nature of such an act on innocent people working in Senator DASCHLE’s office opening mail, answering constituent mail, doing those activities that one does working for a public servant. A lot of them are very young.

This is a tremendously evil act. I hope these people will be brought to justice; that the full weight of this Government will be used to search out these people who would perpetrate this evil through this diabolical scheme they engendered. I do not know what satisfaction they get out of doing such acts.

We are the greatest country in the history of the world. We are far from perfect, but certainly we are going to overcome this. It is a very small setback, and we will proceed stronger than ever.

Again, my heart is overwhelmed today with a feeling of anxiety and sadness for the majority leader of the Senate for the burden he has recognizing that because he is who he is, people in his office are sick. I know him and know much heartache this causes him.

MEASURE PLACED ON CALENDAR—H.R. 2646

Mr. REID. Mr. President, I understand H.R. 2646 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Mr. REID. Mr. President, I object to any further proceedings.

The Acting President pro tempore. The Senate, the bill will be placed on the calendar.

Mr. REID. Mr. President, my friend from Wyoming is in the Chamber. If he has some remarks, he can certainly proceed; otherwise, I am going to ask we go on a quorum call at this time. We are going to shortly recess until after the 10:30 a.m. briefing.

The Acting President pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Nevada for his remarks this morning. Certainly we all have very strong feelings and sympathy for what is happening. My office happens to be one of the offices that is closed as well. I have a strong feeling about what is happening as well.

Mr. President, we should just go into a quorum call and go to our 10:30 a.m. meeting without further ado.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The Acting President pro tempore. The Clerk will call the roll.

The Assistant legislative clerk proceeded to call the roll.

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

The Presiding Officer. The majority leader is recognized.

Mr. DASCHLE. Thank you, Mr. President.

Proceeding under unusual circumstances.

Mr. DASCHLE. Mr. President, as I did yesterday, I think it might be helpful if I report to our Senate colleagues and to the extended Senate family about circumstances now over the last 24 hours.

Let me say, I have been especially appreciative, again, of the services provided to the Senate, especially by our extraordinary Sergeant at Arms and our Secretary of the Senate, who have just done an outstanding job of responding to the many challenges that we have faced over the last few days, especially.

I thank Secretary Tommy Thompson for his great cooperation, the Department of Health and Human Services, the Capitol Police for their work, and, finally—and certainly it should have been at the top of the list, if I was listing anybody—our distinguished Republican leader. Senator Lott has been there shoulder to shoulder with me on every one of these occasions and over the course of the last couple of days.

Our partnership is strong, but our friendship is even stronger. And that I think we can say that we have faced over the last few days, especially.

I thank Secretary Tommy Thompson for his great cooperation, the Department of Health and Human Services, the Capitol Police for their work, and, finally—and certainly it should have been at the top of the list, if I was listing anybody—our distinguished Republican leader. Senator Lott has been there shoulder to shoulder with me on every one of these occasions and over the course of the last couple of days.

Our partnership is strong, but our friendship is even stronger. And that could not be in greater evidence than it has been over the last couple of days.

We will have a vote this afternoon on the Interior appropriations conference report. That conference report will come over to the Senate sometime this afternoon. As my colleagues probably know, the conference report is currently being debated in the House. I am quite sure it will be adopted. Once it is, and once it is sent over to us, there will be a rollov call vote on the Interior appropriations conference report this afternoon.

There will also be a vote on the conference report on the military construction appropriations bill tomorrow. We do not know the time yet. We will certainly notify our colleagues. In part, we do not know the time because I am not sure what the House schedule is; that is a piece of business that we will take up.

It is my hope that we may be able to take up nominations as well. I will be consulting with the Republican leader and with my chairs in regard to the degree to which Executive Calendar matters could be considered and, hopefully, voted upon either today or tomorrow.

So we have a good deal of business that will be conducted again. One of the reasons why is because of the outstanding job that all of our service personnel have provided in accommodating our schedule, as we have continued to work through the immediate challenges that we have faced with the anthrax experience.

Mr. President, I could not be more proud of my staff for the way they have conducted themselves, for the attitude they have reflected at every step of the way, the professionalism they demonstrated on Monday, and the attitude and the degree to which they have taken each one of these moments in stride.

We have had a good number of discussions and consultations and meetings with members of my staff. It is now at a point where I think we can say that 31 members of my staff, and a certain number of Capitol Police, were found to have tested positive as a result of the nasal swab that was administered to them a couple of days ago. A positive result on a nasal swab simply means they were exposed to the anthrax bacteria. Not one incident of infection has been recorded or reported. There is a huge difference between exposure—and the nasal swab, if it is positive—and the actual infection itself. Antibiotics were administered immediately, even though we did not know the results of the nasal swabs, whether they were going to be positive or negative. And because of the early access to the antibiotics, the overwhelming advice I am now being given by all health care personnel is that each of my staff members will be OK. I am gratified to hear that the training, the protocols, had been so effective, and I will continue to emphasize that fact as we go forward.

In part because of the limited exposure, in part because of the opportunity to be administered the antibiotics quickly, in part because of the professional response all the way through this process, we are very confident about our ability to provide for the needs of each of my staff, with every expectation—I would say 100 percent expectation—that they will be treated successfully. So we feel very good about the current circumstances involving treatment and involving the response to the antibiotics already shown by members of the staff.

As many of our colleagues know, the exposure was limited, at this point, to two locations: My office in the Hart Building, Room 509; and the mail room in the Dirksen Building. There is no evidence currently that anyone in the mail room has been exposed to the bacteria; there were a positive nasal swab, although we will be getting those test results back in the coming days. About 1,400 people were
provided with the nasal swab yesterday. The results of those swabs will not be provided for at least 24 hours.

Let me also add that we have been working in close concert with the Centers for Disease Control. Russell 325 will be our information center for the balance of the afternoon. There is a meeting ongoing in SC-5 for senior members of all Senate staff. Chiefs of staff and office managers are certainly welcome. I am quite sure most of them have been made aware that we will provide ongoing information in a myriad of additional ways, both technologically as well as telephonically. We will provide that information as we deem it important to share.

Again, let me emphasize three things: First, I believe very confidently that we have, as a result of the outstanding work done by all of those professionals who have been on the scene, dealt with this incident in as successful a manner as is possible. I repeat that I am very confident today that the health care professionals have indicated that my staff will be not only OK but perfectly healthy as a result of the actions that have been taken. We will be closing the offices, the Senate offices, this evening, and they will be closed for the next couple of days in order to accommodate the environmental search that will be required to ensure that whatever additional material may be found, if there is some material found.

We have no indication there is any additional information that would lead us to believe it is not confined to the mail room as well as to my office, but we are going to do a sweep of the area. In order to accommodate that sweep successfully, those three buildings will be closed. It is strictly precautionary. I emphasize, there is no evidence to suggest we are doing anything other than what we should to ensure that we can open the Senate and have confidence that I expect we will have, on Monday morning.

We will use the time we have available to us just to ensure that we have checked the entire complex of office space so we can open on Monday without fear of any further exposure.

Finally, let me emphasize, we will be in constant contact with every office all the way through the course of the next several days. Of course, we will be in session today and tomorrow. That, too, will facilitate our ability to communicate as Senators.

I thank all colleagues for their great cooperation. We had a good meeting this morning, as we did yesterday, on both sides of the aisle. There were excellent questions. I am proud of our Senators for the leadership they are providing and proud of our Senators for the attitude they take back to their offices and to their States. I am proud of our Senators for the way they have conducted themselves under these unusual circumstances. I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Virginia.

Mr. WARNER. Madam President, may I say to our distinguished majority leader that having been a part of that meeting for well over an hour this morning, which you and Senator LOTT and other leaders conducted, we all were given a full opportunity to express our concern. As we took that meeting, we recognized the enormous pressure that you, as our leader, have been under because of the hit on your personal office staff.

Throughout that meeting and indeed throughout these days, you have stood with enormous personal courage and have won, if it were possible, even greater admiration than we had, from those of us who serve in this institution.

This is my 23rd year to be privileged to serve as a Senator. I have served under several majority leaders, assistant majority leaders, Republican leaders and Democratic leaders, all kinds and types, but you will be remembered in the annals of history as an instance for the courage, personal and professional, that you have exhibited.

I thank you also for working with Senator LOTT and others in striking the proper balance, the obligation we have to our staffs, those who are working in the mail room as well as to my office, but additional information that would lead us to give advice after this experience to others.

The leaders are trying to be as careful as possible for the thousands of people who work here, for the visitors, for the college students who come to volunteer. We are being as careful as possible. Secondly, it is our good fortune this is not a regular occurrence so we don’t exactly have a protocol to follow. We are going to be developing one by and large, I think, as we get this experience so we will know what we should and should not be done and can give advice after this experience to others. That is valuable. It will help in our public health effort to deal with anthrax or any other threats of bioterrorism.

I remind those who are following this occurrence—and it has been said and should be repeated every time we speak—this anthrax, again, even if you were exposed to it, can be successfully treated with antibiotics so that people should have no fear of losing their lives because of this exposure. Basic treatment by antibiotics can make certain that you don’t have any serious outcome because of an infection.

This morning the Secretary of Health and Human Services, Tommy Thompson, former Governor of Wisconsin, testified before the Committee on Governmental Affairs. His testimony was excellent. His agency, along with the Food and Drug Administration and the Centers for Disease Control, is trying to envision what needs to be done to protect America. Since September 11, we have a feeling of vulnerability.
Our leaders in Washington, the Senate and the House, and with the President and his administration, are trying to envision those needs to make America’s peace of mind return.

I am happy they are ordering the necessary antibiotics, so that if there is a public health need, we will be there.

They are also going to invest in State and local public health sources so we can respond quickly to any questions that arise. This is a time for us to sort out what is and what is not a public health need, we will be there.

It is important, as Senator DASCHLE indicated, for people not to panic. This is not a cause to panic. This is not a cause to panic. It is important for all of us to understand that those who have identified as having been exposed to anthrax by the swab testing that has been done, are not at this point infected by that exposure. They have simply been exposed. It is important to underscore that there are antibiotics available to deal with that exposure if it proves to be an infection. That is important for people to understand.

And the medical authorities have visited with a joint session of Republicans and Democrats this morning here in the Capitol and have gone over that information in some depth.

It is not true that spores of anthrax have been found all over this building. That is not the case at all. The reports we have at this point in time are that spores of anthrax were discovered in a limited area, and the law enforcement authorities and leadership of the Senate have taken actions that would attempt to make certain they don’t spread beyond that area, and that we take the precautions necessary for public health and also to make sure the operational situation in buildings is assured.

I want to, as I describe this, say how proud I am of Senator DASCHLE, Senator LOTT, and others, who in most cases have worked nearly around the clock, and with the CDC and, Frankly, we should be the leaders and join our coalition in the successful battle against it. What we are going through on Capitol Hill will be remembered, I am sure, for a long time. I hope what we have done is the sobering reminder of men and women in the House and Senate, Democrats and Republicans, to stand up proudly and fight for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, my colleague from Illinois and the majority leader from South Dakota, Senator DASCHLE, have just spoken about the challenges that have been presented to the Senate, our Capitol, and to our Nation, beginning with the heinous acts of Dr. Eisold and the Sergeant at Arms, the Secretary of the Senate, and so many others, most of whom have had very little sleep because they have been trying to respond to this issue. The Centers for Disease Control team, folks from the NIH and Health and Human Services, are all here.

Also let me say how much I have appreciated for some long while the work of the law enforcement authorities on Capitol Hill. These men and women have been working 12 hours a day and, in most cases, 6 days a week every single day for the last month. They are the first responders; they are the ones who have been here and have worked nearly around the clock; especially, I am proud of Dr. Eisold and the Sergeant at Arms, the Secretary of the Senate, and so many others, most of whom have had very little sleep because they have been trying to respond to this issue. The Centers for Disease Control team, folks from the NIH and Health and Human Services, are all here.

So what is important today, not just with respect to this incident on Capitol Hill and all the wonderful young men and women—and in some cases older men and women—is that they are here because they are proud to be here; they are proud of their public service. It is important for all of us to understand that this country stands together. This country stands tall in the face of challenges.

We had yesterday it is interesting that changes occurred in this Chamber. In this Chamber of the Senate, for so long we had so much pettiness. There was so much pettiness in our politics. That is now gone—and good riddance, as far as I am concerned. But that pettiness led us to believe on every single issue, at every intersection, there was an “our side” and a “their side.” We have, it seems to me, in meeting these challenges, understood now that there is only one side and that is our side.

This is a country that has stuck together. It is not mine and yours, or us and them; it is just our side together. That is the way we will respond to the
incident that has occurred on Capitol Hill. It is the way America will respond to the broader threat of terrorism that exists around the world. It is the way the American people have responded for two centuries—to build a beacon of hope and opportunity for the rest of the world. They have done it in that way as long as we have the kind of leadership and capabilities that exist in this country, to say to the rest of the world it is worth the fight to preserve our freedom; it is worth that fight.

So as I began, by thanking my colleague, Senator Daschle, for his leadership. Our thoughts have been with his staff as they have worked through this challenging period, and our thoughts are also with the literally thousands of men and women who come to this Capitol to serve with us in the House and in the Senate who do that because they want to be involved in public service and are proud of it. We say to them, don’t be unnerved by this; we are here, and we are here as long as you are here, and we have made sure that you have stayed through this period. We thank you for your public service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I rise, too, to applaud the leadership given to us in the last several days by Senator Daschle and Senator Lott.

The idea that somehow this is weaponry grade is not correct. That is just not true. This is a substance that is susceptible to penicillin. This is a substance that is susceptible to Ciprofloxacin, just as other anthrax materials are susceptible. It can be treated.

Let’s take a worst case scenario. There have been reports that the ventilation system of the Hart Building is somehow contaminated with anthrax. That is just not so. Let’s assume for a moment that everything, the Albright, including Senators, has been exposed to anthrax, which is not true either. As it turns out, maybe 20 or 30 people have been exposed—not infected but exposed. If we had all been exposed and if, indeed, the ventilation system was chock full of anthrax—and it is not—what do we do about it? We simply take the antibiotics that kill the bacteria. That is what we do.

Keep in mind, anthrax is something for which we can be vaccinated. If we come down with an illness, we can take antibiotics that will cure it. If I contract an illness related to anthrax, it does not mean to suggest Senator Dorgan or anybody else is going to become sick. It is not communicable. We not only need to keep this in mind in the Senate and on Capitol Hill, but the American people need to know. This is something we want, and this is something we can control. We have to stay calm, we have to stay cool, we have to be collected, and we are going to do that.

The people of the country are watching us to see how we respond in this time of duress. Certainly our military men and women around the world are watching us to see how we respond in this time of duress, during this threat to our Nation’s Capitol. I presume whoever is sending these materials to our way is watching us as well. They must be amused by the response they see from some.

The response we need to send to the terrorists, those who would do us harm, as well as to our troops, soldiers, sailors, and airmen around the world, and the rest of the American people is that we will make sure that the people who work here are protected and are safe, but at the same time we are committed to doing and completing our Nation’s business.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. BYRD. Madam President, it is a pleasure to join my colleague from Montana, the distinguished Ranking Member of our Interior appropriations subcommittee, in bringing before the Congress the conference report on H.R. 2217, the Fiscal Year 2002 Interior and Related Agencies Appropriations Act.

This is the first of the thirteen annual appropriations bills to have reached this stage of the process. Let me say parenthetically, however, that the Committee on Appropriations reported the bill on July 12; 3 months and 5 days ago. So it has been a long time in ripening to this point. This conference report is, in my opinion, a well-crafted bill. It is an easy task to work out the many disagreements between House and Senate versions of an appropriations bill, and this year was no exception. But each and every one of the 1,330 items before the conferees was worked out in a way that balanced the views of each chamber and the resources available to the conferees.

I will not go into great detail with respect to all the particulars of the conference agreement, but shall point out a few highlights. First, to those who have a special interest in natural resource conservation, this conference report lives up to our previous commitment by fully funding the conservation spending category established in Title VIII of last year’s Interior Appropriations bill. Through this spending category, the managers were able to fund key conservation activities including $128 million for Federal land acquisition; $229 million for State programs such as wildlife and wetland conservation; $214 million for Federal infrastructure improvements in our national parks, forests, refuges, and on other public lands. In addition,
the conference report devotes $11 million to Civil War battlefields preservation, an important commitment to honoring our national heritage and understanding the history of this great country.

The conference report also restores the $36 million in environmental cleanup conducted through the Abandoned Mine Reclamation Fund which the administration had unwisely proposed to cut. These funds will be used for high priority abandoned mine cleanup projects which address serious health and safety concerns.

For our colleagues from the West, I am pleased to report that the conference agreement continues the Congressional commitment to protect the public and our natural resources from fire danger by providing $2.2 billion to the Forest Service and the Department of the Interior for wildland firefighting. This is an increase of $300 million above the President’s request.

The bill also includes $2.6 billion for critically needed Indian health care and $2.2 billion for Indian education and economic development. Within these amounts, $86 million is targeted specifically for the construction of new hospital clinics. This more than $290 million is to be used for school construction and repair.

The conference report includes over $930 million for cultural institutions and programs funded through the Interior committee, including the Smithsonian Institution, the National Gallery of Art, the Kennedy Center, and the National Endowment for the Arts and Humanities.

The conference committee paid special attention to the needs of the National Park Service, providing an increase of $85 million over the fiscal year 2001 appropriation for basic operations of the national park system. In addition, the conference report contains $15 million for Park Service construction, with the vast majority of these projects representing backlogged maintenance and infrastructure improvements in the National Parks.

Finally, I would like to point out that this conference report contains much needed funding for the important energy research programs overseen by the Department of Energy, specifically in the area of fossil energy research and development. I am very proud of the work done by Park Service construction, the with the vast majority of these projects representing backlogged maintenance and infrastructure improvements in the National Parks.

There are two specific items I will address before proceeding. I am pleased that the conference report provided a $10 million increase in payments in lieu of taxes to both the offshore wind energy and the onshore wind energy programs. This was a significant step forward and moves us closer reaching the authorizing funding level of the PILT program.

With regard to the funds for the wildland firefighting and related programs, the conference agreement contains just over $2.23 billion. The year before last and last year were terrible years for fires, as was this past summer, although it was not as devastating as the year before. Congress has still made a commitment to the national fire plan. We were unable to fully fund all the needs of the national fire plan, but nonetheless the commitment the Senate made to make these extremely tough choices, balancing the need for rehabilitation and restoration of lands already burned and the need to prevent and suppress future fires.

We have also taken the opportunity to direct the Department of Agriculture to heed the President's call to make closely together in implementing the national fire plan, while giving us a better understanding of the land's long-term funding and what it needs. I believe this will move us much closer toward having a fire plan that can be fully implemented.

Finally, I thank Senator BYRD for his courtesy shown throughout the process. There are 3 C's in committee work: cooperation, courtesy, and considerate. Usually we do not achieve what we hope for, and we did not this year. It was a difficult year on many fronts, but from the Senate transition to the events of last month, Senator BYRD and I have worked well together to produce a final bill that deserves the Senate support.

I thank my staff and my own, Ryan Thomas and Bruce Evans have done yeoman's work on this bill as it has moved its way not only through the Senate but also through the conference.

It is strange indeed to have an Interior and related agencies bill to be the first appropriations bill to be sent to the President. I can remember when this bill was unhelpfully contentious. It is the off-the-floor agreements and negotiations made that help bring a product to the floor. It just about has the approval of the total Senate. That is a testament to Senator BYRD's leadership as chairman of this subcommittee. Again, I urge my colleagues to support this conference agreement.

Mr. BYRD. We are told in the Scripture: A word fitly spoken is like apples of gold in pictures of silver. The words by CONRAD BURNS, my distinguished colleague, have been fitly spoken. Again, I thank him.

Mr. REID. Madam President, on behalf of Senator DASCHEL and this Senator from Nevada, I express our appreciation to the Appropriations Committee not only for bringing the bill to the floor today but for your persistence, your wisdom, and your legislative abilities. You have worked very hard on all appropriations bills, this one in particular. We extend our appreciation to you for that.

More generally, this is the first appropriations bill. There couldn't be one more timely and one that should be recognized than the one these two Senators put together. Senator Burns said he can remember when this bill was contentious. It is still contentious. But this is what legislation is all about. I was so happy to go to that conference
committee. We spent just a little bit of time there. It was resolved quickly. That is what good legislation is all about.

The example that was set I hope I can follow. Senator Domenici and I are working on the Interior and Related Agencies Appropriations Act bill to have a conference that is even shorter than the one on the Interior bill. We hope to be able to do that. We were going to do it tomorrow but the House is going out today and we will not be able to do that. Hopefully, it will be Monday or Tuesday.

I have a great feeling for this bill. The Senator from West Virginia will remember when I first came here I had the honor, when you were so heavily involved in your duties being the Democratic leader, of conducting the subcommittee hearings on this bill. I learned a lot about this subcommittee as a result of sitting there for those hours of hearings to arrive at a point where a hearing that could be brought to the Senate floor.

So it is appropriate that the first bill that we have worked so hard to get out of the appropriations process is one that has been engineered by the Senator from West Virginia.

I also extend my appreciation to the Senator from Montana, with whom it has been easy to work. He understands the legislative process and has really been a pleasure to work with.

I ask unanimous consent the Senate now proceed to the conference report accompanying H.R. 2217, the Department of the Interior Appropriations Act bill; that the Senate vote immediately on adoption of the conference report with no intervening action; and that upon adoption of the conference report, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I reserve the right to object just for the purpose of responding to the distinguished majority whip and his glowing references to my work.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say this, Darius the Great was once having lunch. Someone presented Darius the Great with a huge pomegranate at this luncheon. And it was opened. There were quite a number of seeds in it. Darius said, “Hail, as many men like Megabazus as there are seeds in this pomegranate, it would please me better than to be lord of Greece.”

So let me just say, using those words by Darius, I have been around the Senate here quite a while and I have seen several whips. I have had the pleasure—or perhaps the misfortune, I should say—of being whip myself here for several years beginning in 1971. But I was not as good a whip as Senator Reid. I won’t say anything about the other whips, but I will just use myself. Senator Reid is an excellent assistant majority leader. He is always on the floor. That is how I gained my fame as whip—a great appetizer banner on the floor. There is where I learned the rules, where I learned the precedents.

This man is a man who, if I may do a little bragging, was cut in my own image in that he stays on the floor. He works this floor. He is always to be counted upon. He is here to help every Senator. Many are the time agreements that are made possible by his assiduous attention to his duties on the floor.

Majority Leader Daschle can be very grateful for the fact that he has been given this very excellent man, Harry Reid of Nevada, to work and to assist him, Mr. Daschle, as the whip.

I pay my compliments to Mr. Reid. I thank him for his work.

Let me just now end my remarks by saying we hope that next week we can complete the work on this floor on the energy and water appropriation bill, the legislative branch appropriation bill, the VA-HUD appropriation bill, and the Treasury appropriations bill. We are finally making some headway.

I thank my colleagues, and of course the good Lord most of all, and our staff for the fact that we have been able to begin making some progress on the action and passage of the Appropriations conference reports.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, the request is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217), “making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes,” having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferences on the part of both Houses.

(The report is printed in the House proceedings of the Record of October 11, 2001.)

Mr. CONRAD. Madam President, I rise to offer the Budget Committee’s official scoring for the conference report for H.R. 2217, the Interior and Related Agencies Appropriations Act for Fiscal 2002.

The conference bill provides $19.12 billion in nonemergency discretionary budget authority, which will result in new outlays in 2002 of $11.908 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $13.017 billion in 2002. Of that total, $1.32 billion in budget authority and $1.029 billion in outlays falls under the general purpose cap for emergency spending. The remaining amount counts against the general purpose cap for discretionary spending. The conference report is within the Appropriations Committee’s 302(b) allocations for budget authority and outlays for both general purpose and conservation spending.

In addition, the Senate bill provides new emergency spending authority of $400 million in 2002 for federal firefighting activities, which will result in new outlays of $389 million. Per section 314 of the Congressional Budget Act, as amended, I have adjusted the committee’s 302(a) allocation by the amount of this designated emergency funding. The amount of emergency funding included in the report is consistent with the bipartisan agreement reached earlier this month between the President and congressional appropriators.

H.R. 2217 is the first conference report that I have been associated with. Twelve remain after its adoption. It is important that the Senate act quickly and pass this important legislation that will provide vital funding for managing our nation’s natural resources, supporting the better and more efficient use of our energy supplies, and meeting our commitments to Native American tribes.

I ask for unanimous consent that a table displaying the budget committee’s scoring of this bill will be inserted in the RECORD at this point.

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

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<th>Conservation</th>
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<tr>
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<td>Outlays</td>
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<td>President’s request:</td>
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<td>–56</td>
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<tr>
<td>Outlays</td>
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<td>–1</td>
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<tr>
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</table>

For enforcement purposes, the budget committee compares the conference report to the Senate-passed bill.

Notes: Details may not add to totals due to rounding. Totals adjusted for reconciliation scoring conventions. The conference report includes $400 million in general purpose emergency funding for federal firefighting activities.

Prepared by SBC Majority Staff, 10-17-01.
Mr. MCCAIN. Mr. President, I thank the managers for their work in completing this important appropriations bill which funds the Federal agencies governing land management, energy, forestry, and Native American programs. In the wake of extraneous national, and fiscal, urgency to respond to domestic threats, I appreciate that their jobs have not been easy and I am thankful for their work.

This Interior appropriations bill funds many important programs that help to protect the nation’s natural resources, national parks, endangered animals and forest lands, as well as health and education programs for Native Americans. A portion of energy conservation funding for the Department of Energy is also included in this bill. I am supportive of these programs and their important part to preserve the character and quality of America’s most special places.

What I find disturbing is that many of these programs, such as the National Park Service and the Fish and Wildlife Service, still experience enormous backlogs of maintenance and repair work. In my view, the agencies are not able to spend important Federal funding on the Nation’s highest priorities. Instead, the appropriators have earmarked this funding for their own priorities, without a fair and merit-based review.

This year’s final Interior appropriations bill includes $343 million in earmarks, much of which is either unrequested or unauthorized spending. While this amount is less than the bill passed the House this year, it is still an extraordinarily high amount of Federal spending that should be directed toward the most urgent priorities for the agencies included in this bill. It is a critical time for our Nation to spend Federal dollars prudently to allow Federal agencies to carry out their management responsibilities.

I will support the passage of this year’s Interior appropriations bill with a few, but meaningful, objections to the extraneous porkbarrel spending that is included. I believe, especially in this heightened time of American resolve to protect our homelands, that it is our highest obligation to ensure that we spend taxpayer dollars wisely. Unfortunately, as evidenced by the $343 million in porkbarrel spending in this bill, we are clearly failing. In fully upholding our obligations to protect natural resources and meet trust obligations to Native Americans. As we consider the remaining appropriations bills for this fiscal year, I hope that my colleagues will exercise fiscal constraint in porkbarrel spending.

The list of objectionable provisions I identified in H.R. 2217 is available on my Senate web site.

Mrs. FEINSTEIN. Madam President, I would like to speak for a moment about Section 128 of the Interior Appropriations conference report.

In its original form, Section 128 reined language from last year’s Omnibus Indian Advancement Act, language that circumvented the Indian Gaming Regulatory Act’s commonsense protections and regulatory safeguards against the inappropriate siting of Class III, Nevada-style casinos.

Late last year, a one-page provision was attached to the Omnibus Indian Advancement Act granting land in trust to a single Indian tribe, the Lytton band, and permitting them to move forward on plans to establish a Nevada-style gaming establishment in San Diego. A site that is not part of and is not adjacent to land traditionally held by the Lytton band of Indians. In fact, this site is in a major urban area just outside of San Francisco, neither in nor near the Lytton band’s reservation. This was done without regard to Federal laws currently in place to regulate the siting of such a casino. Now, language that would have originally repealed that granting of land in trust merely states that the Lytton band must comply with the Code of Federal Regulations for Class III gaming, which they would have to follow anyway.

I have serious reservations about the expansion of Class III gaming in urban areas, and I am particularly against off-reservation gambling. These off-reservation casinos cause counties additional costs in public and local services, often intrude in residential areas, and are increasingly causing local concerns ranging from traffic congestion to additional crime.

Currently, California has 109 separate and independent tribal governments, of which 46 have operational casinos. Three more casinos are currently under construction. Additionally, 20 tribes have compacts with the state and are proposing casinos, and 10 more are in negotiations with the Governor for a tribal state compact for Class III gaming. Finally, 54 more tribes are petitioning or involved in congressional acts that are federally recognized to promote a casino.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local government of their political power to protect those whom they govern. The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian casinos by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of such a large, Nevada-style casino. IGRA works. It is a fair process that should be followed.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The Question is on agreeing to the conference report.

The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. NICKLEBY. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

(Roll Call Vote No. 304 Leg.)

YEAS—95

Akaka  Durbin  McCain
Allen  Edwards  McCollum
Allen  Ensign  Mikulski
Baucus  Riehl  Miller
Bennett  Feingold  Markowski
Biden  Feinstein  Murray
Bingaman  Fitzgerald  Nelson (Fl.
Bond  Frist  Nelson (NE)
Boxer  Graham  Nickles
Breaux  Gramm  Reid
Bunning  Grassley  Reed
Burns  Gregg  Rockefeller
Byrd  Harkin  Santorum
Cantwell  Hatch  Sarbanes
Carnahan  Hollings  Schumer
Cantwell  Hollings  Schumer
Chafee  Hutchinson  Smith (NJ)
Chad  Inhofe  Smith (OK)
Clinton  Inouye  Snowe
Cochran  Jeffords  Specter
Collins  Johnson  Stabenow
Conrad  Kennedy  Stevens
Corzine  Kohl  Thomas
Craige  Kohl  Thompson
Craige  Kyi  Thurmond
Daschle  Landrieu  Torricelli
DeWine  Leahy  Voinovich
Dodd  Levin  Warner
Domenech  Lincoln  Wellstone
Dorgan  Long  Wyden

NAYS—3

Bayh  Brownback  Roberts
NOT VOTING—2

Hagel  Lieberman

The conference report was agreed to.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, at the time of the vote on the Interior appropriations conferences report on October 17, 2001, I was unable to vote because I was attending the funeral of Mrs. Margaret Ann Aitcheson, mother of Mrs. Tipper Gore. If I was present, I would have voted in favor of the conference report. I note that because that report passed by a vote of 95-3, my absence had no effect on the outcome of the vote.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The Presiding Officer (Mr. JOHNSON). Pursuant to the order of October 2, 2001, the Senate, having received a message from the House on S. 1438, disagreed to the House amendment, agrees to a request for a conference with the House on the disagreeing votes of the two Houses, and
the Chair appoints Mr. Levin, Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Cleland, Ms. Landrieu, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mrs. Carnahan, Mr. Dayton, Mr. Bingaman, Mr. Warner, Mr. Thurmond, Mr. McCain, Mr. Swift of New Hampshire, Mr. Santorum, Mr. Roberts, Mr. Al-land, Mr. Hutchinson, Mr. Sessions, Ms. Collins, and Mr. Bunning conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Nevada yield?

Mr. REID. I am happy to yield to my friend, the chairman of the Judiciary Committee.

JUDICIARY COMMITTEE MEETING NOTICE

Mr. LEAHY. Mr. President, for the notice of Members the Senate Judiciary Committee had originally been scheduled to meet tomorrow for a markup. We have about 14 or 15 nominations on the list, ranging from U.S. attorneys to Federal judges—actually more than that. I forget the exact number. The Dirksen Building in which we were scheduled to meet is going to be closed, as will the Russell and Hart Buildings.

For those Senators who may have an interest, I am arranging for a meeting room in the Senate Chamber, probably in the President's room. We will start the meeting halfway through the vote, whenever we have the vote, which I understand now is sometime between 12 and 12:30. I have talked to a number of Senators. This seems to be the most convenient way because we don't know where else we will get a meeting room.

Senators on the Judiciary Committee should plan, if they possibly can, to vote here relatively early, when the rollcall starts. Come to the room. We will make sure somebody is here to tell them where it is going to be. Obviously, if somebody wants to debate something, they can. We will try to move those nominations out as quickly as possible.

Having heard the travel plans of some Senators, we may try to get them moved out prior to or within the same amount of time as the rollcall vote. I urge Senators to get over there and make sure they are soon as we have a quorum, we will start moving.

For several Senators who have inquired, mostly from the other side of the aisle, who have judges up for nomination hearings tomorrow—I know the Senators from Alabama and Oklahoma and others are going to be with those hearings. Senator Schumer, the distinguished senior Senator from New York, will be chairing. Again, I think we may have arranged a room right back here.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Even though all the office buildings where hearings are normally held will be closed tomorrow, the committee is going to go ahead and find someplace to hold the hearing anyway; is that what the Senator from Vermont is saying?

Mr. LEAHY. Mr. President, I am going to do that. I am trying to do it in a relatively compressed amount of time, while some Senators are still around. There are a lot of judges on that list. Two Senators from each State will want to introduce them, plus those that are on the agenda.

The distinguished majority leader has helped us in finding space in the Capitol to do it. We are also going to try to finish the terrorism bill, if we can. We are trying to juggle all that. I ask Senators to please show up on time when we start because there is going to be only so much of a window. If people don't show up, if we can't get a quorum, we can't go forward. I picked this time when everybody has to show up for a vote anyway, the best time to get a quorum and get on with the others so that my staff and I can get back to finishing up the work of the terrorism bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all colleagues, I know there has been some question about when we ought to have the vote tomorrow. To accommodate the most number of Senators, we are going to set the vote for 11 o'clock. That will be the only vote for the day, and it will be on the military construction appropriations conference report. We will accommodate Senators who wish to speak about other matters in morning business both before and after that vote.

The Senate will come in around 10 o'clock, and we will spend at least an hour in discussion on the conference report, or in morning business, and then we will set the vote for 11 o'clock.

The next vote will occur at approximately 10 o'clock on Tuesday. We will be in session on Friday or Monday. I thank my colleagues.

Mr. REID. Will the leader yield?

Mr. DASCHLE. Yes.

Mr. REID. Mr. President, it is my understanding that on this side of the aisle there has been some question about whether it will be hard on a policy luncheon. The Senator is still going to have that, is that right?

Mr. DORGAN. Mr. President, we are intending to have a Democratic policy luncheon at 12:30 tomorrow. Following the vote and other intervening morning business, Members on our side will be invited to the policy committee luncheon where we will be talking about a range of issues dealing with the Middle East.

Mr. DASCHLE. Mr. President, I also made mention earlier today about making alternative space available for public meetings. I know some Senators and some of our committees had hoped to be able to conduct their business, and because we are not going to be conducting business out of the three Senate buildings, we are acquiring other space for the next 2 days. Senators are encouraged to call the Secretary of the Senate for information about that space. There will be rooms available. In fact, I can say we have already allocated a number of rooms, and they will be allocated on a first come, first served basis.

We will be sure that every committee or every Senator who may seek additional space for whatever purpose can be accommodated. That will not be a problem. So I just encourage you to contact the Secretary of the Senate or the Sergeant at Arms and we will address that as well—I should also say the Rules Committee. Senator Dodd has already been working on accommodating Senators and would also have space available. Please contact the Rules Committee as well and I think we will be able to take care of any needs Senators may have.

Mr. LEAHY. If the leader will yield—so I won't leave any question—I had a meeting and markup in the Judiciary and the vote is going to be at 11, we will start that meeting of the Judiciary Committee—I understand it will be in the President's room. It will probably start around 11:05, 11:10.

Again, I urge Senators to show up and take a quick vote because I have talked to enough Republicans and Democrats and it is going to be hard to have a quorum much beyond the end of that vote. So, please, I urge Senators to be there at 11:05, 11:10. Vote in the beginning in the well and then come on in and we can get 12, 14, 15 nominations, ranging from U.S. attorneys to judges, out of there.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to tell our colleague, the chairman of the Judiciary Committee, we will make sure he has Members available for a quorum because we want to get many of these nominations reported out of committee. I appreciate his cooperation both in having the executive session to report those nominees and also in having the hearings tomorrow. I hope we will have many more in the remaining weeks. I thank him very much for his accommodation.

Mr. LEAHY. I appreciate that. If the Senator will yield for this comment, I assume the Capitol will stay open. God forbid it would not, because after that we will run out of rooms. But the distinguished majority leader and the Senator from Oklahoma and I are working on getting rooms. Senator Schumer is delaying his departure to help move some of these. We will do our best.

Again, I urge everybody to be on time because the process is going to be on. We want to let a lot of the staff who won't otherwise have to be around have a chance to go home. I think their families need them at this time.
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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HUMANITARIAN CRISIS IN AFGHANISTAN

Mr. WELLSTONE. Mr. President, I decided today is the day I want to speak to the Senate. Tomorrow I am going to submit a resolution, and then I want to make this resolution an amendment and have a vote on it at the first opportunity. The focus is on the humanitarian crisis in Afghanistan. It will be a resolution that will be constructive, positive, and outline some of the steps that this administration and we as a nation can take to make sure hundreds of thousands, perhaps millions, of people do not starve to death in Afghanistan.

The problem is twofold. The reports are that about 7.5 million people who will starve to death if we do not get food assistance to them. Some of the Afghan people are going to be able to get to refugee camps in Pakistan. The problem there is the conditions in the refugee camps. The conditions are deplorable, and we are going to have to do much more to make sure people are provided food assistance and some health care.

The second problem is the elderly, the infirm, and the poorest people of Afghanistan are not going to be able to leave. This needs to be discussed on the floor of the Senate, and the Senate needs to focus on this issue. I am also trying to get the administration to focus much more on this as well.

The truth of the matter is that the air drops that have been much discussed at best may help 1 percent, probably more like one-half of 1 percent of the people, many of whom are women and children.

We will not be able to get food to people unless we do it through truck conveyos and deliver it to them directly. If we do not get the food to the people in Afghanistan—we are talking about the people who are the poorest of the poor, the people who had nothing to do with the terrorist attacks against the people in our country—if we do not get the food to them in the next 4 weeks, then we are going to see in Afghanistan a humanitarian crisis of unthinkably proportions. We are going to see many innocent people starve to death.

There are two problems. The first problem is this is not what we are about as a nation. It is inconsistent with our values to not make every effort to deliver the food to the people. And, second, it is a matter of our national interest because if, in fact, the people in the Near East and South Asia

associate or see a direct linkage between our military action and then large numbers of people starving to death in Afghanistan, it will only create a tremendous amount of bitterness and ill will. There is absolutely no question about it.

I have always said that the use of force is something we have to do. It should be directed at the people who committed this act of mass murder in our country. We should do everything we know how to make sure innocent people do not lose their lives.

The truth is, I worry about that, but there are going to be a lot more innocent people who lose their lives through starvation than probably through this bombing campaign. We could be talking about hundreds of thousands, some say millions, of people.

The resolution contains a number of items, but one I want to focus on—and I think we need to pay very close attention to—is what the NGOs, the non-governmental organizations, organizations, such as Doctors Without Borders, tell us because these are the people who who have been on the front lines. They know what it is like to try to deliver food assistance. They are saying we have to figure out a way that the military action, which some have called for an end to—that is not what I am calling for as a Senator. Others have argued what we have to do, at the very least, is coordinate the military action, the bombing, with the truck conveyos; otherwise, the truck conveyos will not go in because they could mistakenly be bombed.

I am not sure our Government would want them to go in because we do not want them mistakenly bombed. We have to figure out some way to have agreed-upon safe corridors where people who are delivering the food through truck conveyos will be able to get the food to many people in Afghanistan who are suffering, the likes of which we would never want anybody we know or love to suffer.

I talk about this today because we have not had that much focus on it. I will have a resolution tomorrow. I will try to write a piece. I will try to talk about this as much as I can to people in the country. It would be a terrible mistake for our Government, for this administration—and I think we need more clarity from the administration about how we are going to get the food to the people in Afghanistan.

The President should be concerned about how children have committed money and clothes to the children of Afghanistan. That is fine and good, but the truth is that will not address this humanitarian crisis. We need to have food.

We have to make sure the people get the food. If we do not do this the right way, if we do not get this job done, if we do not deliver the food to people there, then there is going to be massive starvation. That is unacceptable. That is unacceptable.

I am quite sure there is no support from the Taliban. They are not helpful.

It is a complicated problem, but this should be a first priority of our policy right now when it comes to the United States of America and the role we play in Afghanistan, the role we play in the Near East, the role we play in South Asia, the role we play in the world.

We cannot let innocent people starve to death. We must make every effort to make sure that does not happen, and I think to date we have not made that kind of concerted effort.

The only other thing I want to do, because I know we are about to finish, is to thank the majority leader, the minority leader, the Presiding Officer, and Senators for making sure we continue with our work. It goes down on the record so I will just say it one time.

I am no big deal at all, but I am very lucky to be a Senator from Minnesota. I am a first-generation American. My father fled persecution from Ukraine, Russia. I do not think I can ever remember a day or a time when I have been more emotional when I look at the Capitol. I think the work of democracy should proceed. We do not always do it as well as we should, but the work of democracy should proceed. I am glad we are all alive today. I am glad we are going to be in session tomorrow. I think it is important we do so.

My hopes and prayers go to all who have been exposed to anthrax. I feel within me people will be all right, but my hopes and prayers go to everyone.

I yield the floor.

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

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

EXEMPLARY LEADERSHIP

Mr. REID. Mr. President, before we go out, I wanted to take a minute. We started the day in the Senate by my talking about Senator DASCHLE, the majority leader, and the difficult situation in which he found himself when a number of his employees tested positive for anthrax.

As the day draws to a close, I want on behalf of the entire Senate to express our appreciation, the Senate’s appreciation, for Senator DASCHLE and how he has handled the day. It has been a remarkable period of leadership.

I have been involved in government most all my adult life, but his performance—and I say that in a most positive way—has been just exemplary today in the briefing we held down on the first floor today, with all the Senators, with Senator DASCHLE leading that discussion. All of the Senators of the Senate there assembled, and his actions in reminding us we are Senators, that we are leaders, and we should act
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accordingly, Senator Daschle has had a lot of fine moments. But that was one of his finest. I am very proud of him. As I say, I speak for the entire Senate regarding how he has handled himself through this very difficult time. He has a burden when he doesn’t have an authentic in his office. But pile that on his shoulders and it is a difficult situation.

Like the Tom Daschle we all know, he came through with flying colors. I say to my friend, the Presiding Officer, who has taken Senator Daschle’s fellow Senator from the State of South Dakota, I am sure I speak for you and every person in South Dakota, when I say how fortunate they are to have this fine man representing them in the Senate.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference report to H.R. 2217, the Interior and Related Agencies Appropriations Act, provides $400 million in designated emergency funding in 2002 for wildland fire management. That budget authority will result in new outlays in 2002 of $289 million.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

Mr. President, I ask unanimous consent to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee’s allocation and to the budget aggregates.

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

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TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002—Continued

<table>
<thead>
<tr>
<th>Department</th>
<th>Budget Authority</th>
<th>Outlays</th>
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</thead>
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<tr>
<td>Total</td>
<td>400</td>
<td>289</td>
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<tr>
<td>Revised Allocation:</td>
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<tr>
<td>General Purpose Discretionary</td>
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<tr>
<td>Highways</td>
<td>547,691</td>
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<td>Conservation</td>
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<td>Mandatory</td>
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<tr>
<td>Total</td>
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TABLE 2.—REVISED BUDGET AGGREGATES, 2002

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<th>Category</th>
<th>Budget Authority</th>
<th>Outlays</th>
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<td>Current allocation:</td>
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<tr>
<td>Budget Resolution</td>
<td>1,515,366</td>
<td>1,481,255</td>
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<tr>
<td>Adjustments: Emergency funds,</td>
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<td>firefighting</td>
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<tr>
<td>Revised allocation:</td>
<td>1,515,766</td>
<td>1,481,544</td>
<td>34,222</td>
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</table>

Prepared by SBC Majority staff on 10–17–01.

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CONFERENCE REPORT FOR H.R. 2904, THE MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer the Budget Committee’s official scoring for the conference report for H.R. 2904, the Military Construction Appropriations Act for Fiscal Year 2002.

The conference bill provides $10.5 billion in discretionary budget authority, all classified as defense spending, which will result in new outlays in 2002 of $2.678 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $9.19 billion in 2002. The conference report is within the Appropriations Committee’s 302(b) allocations for budget authority and outlays. It has met its targets without the use of any emergency designations.

Given the tragic events of last month, it is imperative that the Senate immediately clear this bill, which provides critical resources to our military for new construction and family housing. In addition, I urge my colleagues to act quickly to complete Senate action on the foreign operations, Agriculture, District of Columbia, and Labor and Health and Human Services bills, all of which have been completed by the Senate Appropriations Committee and passed by the House. Mr. President, it is time that the Senate return to the historic bipartisanship that it displayed in the immediate aftermath of the September 11 attacks, stop any further delays, and complete our work on the 13 regular appropriations bills for 2002.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

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

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COMMEMORATION OF FAITH BASED ORGANIZATIONS’ RESPONSE TO TERRORISM

Mr. SANTORUM. Mr. President, the terrorist attacks of September 11, 2001, forever changed the United States, but caused particular devastation in Washington, D.C., Pennsylvania, and New York City.

Husbands and wives lost their spouses, brothers and sisters lost siblings; parents lost children and children lost parents.

From this unspeakable grief, numerous individuals were motivated by their faith in God to heal and redeem this terrible tragedy.

On this day, October 17, 2001, we and our colleagues in the United States Senate recognize the efforts of the following individuals, and their organizations and congregations, and the ten thousand others whose good works are motivated by their faith in God and love for their fellow man:

Reverend A.R. Bernard and the Christian Cultural Center;
Rev. Richard Del Rio and Abounding Grace Ministries;
Mr. Joe Holland and the Christian Renaissance Corporation;
Rev. Tom Jones and World Vision;
Pastor Donna Keyes and the Glad Tidings Tabernacle;
and Rev. Marcos Rivera and the Primitive Christian Church.

SITUATION OF WOMEN AND CHILDREN IN AFGHANISTAN

Mr. DODD. Mr. President, I would like to take a brief moment to draw my colleagues’ attention to the horrific situation facing women and children in Afghanistan. As we heard at a Senate Foreign Relations Committee
hearing last week on the Humanitarian Crisis in Afghanistan, Afghanistan is a country that has been in crisis for years. Indeed, there was concern even as far back as 1997, when I sponsored a resolution that passed the Senate, but was not acted upon in the House, that condemned the Taliban for its treatment of women and children and urged the President to be vigilant in monitoring this situation.

When a country faces such hardships as severe poverty, military action, and oppressive leadership, women and children are always the first to suffer. Save the Children, the international relief organization headquartered in my home State of Connecticut, has been working to improve conditions in Afghanistan for years, and has identified several important ways in which we can help Afghanistan rebuild. I have said before that we need to increase mutual understanding between the Afghan and American people, and a recent Save the Children op-ed seems to agree. Nilgun Ogun, the deputy director of Save the Children Programs in Afghanistan and Pakistan, writes that the education of young girls is key to reducing American sentiment in the region, and I tend to agree. As we struggle to determine the best way to help the Afghan people rebuild, we should be mindful of the important contributions of organizations such as Save the Children, and we should listen to their experienced voices. I urge my colleagues to read the following article, and to begin to think about the important task of rebuilding civil society in war-ravaged Afghanistan. I ask unanimous consent that the op-ed from Save the Children be printed in the RECORD.

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

[From the Hartford Courant, Oct. 14, 2001]

TO SAVE AFGHANISTAN, EDUCATE THE GIRLS
(By Nilgun Ogun)

I have recently returned from a four-year post as deputy director in Pakistan and Afghanistan, and children’s education has been my focus in the area for almost 20 years. Where people see devastation and despair, I see hope. I see it in the children who, if given education and health care, may re-store economic and social stability to the Afghan people.

It will not be easy. Afghanistan is one of the world’s poorest countries, ranking 169th out of 175 countries on a list of socio-economic indicators reported by the United Nations.

Here are some grim facts: One out of every four children doesn’t live past the age 5; more than 40 percent of children die of preventable causes; school enrollment is desperately low; and in addition to being at war for the past two decades, the country is suffering through one of the worst droughts in memory.

The Bush administration is to be commended for allocating emergency funding and humanitarian assistance to the beleaguered citizens of Afghanistan, who are in need of immediate and substantial food aid and medical supplies. However, the real hope for the Afghan people lies with investment in long-term development to help them rebuild their society.

Nowhere is this investment more critical than in education and, in particular, the education of young Afghan girls and women.

Why is educating girls so important? It produces the most immediate and dramatic results. An educated girl is more likely to postpone marriage and childbirth, which in turn leads to improved child survival and well-being. She will be more likely to seek health care and nutrition for herself and her family. And she will encourage education for her children. Educated women are also better prepared to help financially support their families.

In 1995, when Save the Children first began its education program at the refugee camps in Balochistan, near Pakistan’s border, the population was approximately 120,000, mostly women and children. Only 5,000 children were enrolled in any kind of schooling and, of these, barely 600 were girls.

Nevertheless, in cooperation with U.N. agencies and other non-governmental organizations, we managed to train a staff of teachers and establish several primary schools. Enrollment is up now by 400 percent, and includes nearly 8,000 girls.

To reach older girls who had not yet received any education, we, by tradition, are not permitted to travel any distance alone, Save the Children initiated home-based schools. There, in the homes of the children, we teach girls who have nothing more than mud huts—we teach older girls how to read and do math and how to improve health and nutrition practices.

These children, who barely have a roof over their heads and still wonder daily where their next meal will come from, now have hope for the future. They want to be doctors, teachers and engineers. They have role models of caring community leaders. They have the incentive and the ability to care for their health needs, which will ensure that their children have a better chance for survival and healthy, productive lives.

Although these days are filled with anxiety, it is important to remain focused on the future and how we can work to make it more peaceful and secure. Now, more than ever, is the time for the government and private citizens to increase their investment in long-term development, including education programs, to help rebuild a stable society in Afghanistan, as well as throughout the developing world.

TRIBUTE TO MASTER SERGEANT EVANDER ANDREWS

Mr. CRAIG. Mr. President, today I wish to pay tribute to a wonderful man, Master Sergeant Evander Andrews, whose life was cut short on October 10, 2001, while in the service of his country. He was on deployment and became the first casualty of Operation Enduring Freedom—the ultimate sacrifice in our Nation’s war on international terrorism.

He was an active duty Air Force member with the 366th Civil Engineering Squadron from Mountain Home Air Force Base, Master Sergeant Andrews loved the Air Force, working on heavy equipment, and riding in the cab of an 18-wheeler.

But, his family and faith were his true compass and the most important things in his life. He will forever be remembered in the hearts and minds of a great many. He loved Mountain Home Air Force Base community, the 366th Civil Engineering Squadron, and many loyal friends.

Evander, or Andy, as he was affectionately known, was a devoted husband and good father, born to Odber and Mary Andrews. He grew up in Solonn, ME, which was little more than a country store, tuck shop, old farm to join the Air Force and experience the world. He met his wife, Judy, in 1987, at Fort Leonard Wood, MO, where Andy was an instructor for constructed equipment operators, and she was a student at Central Missouri State University. After Judy’s graduation from college, they married in 1990 and two years later left Missouri for Mountain Home Air Force Base. Andy and Judy have had four beautiful children. Their oldest child is Ethan, age 9, followed by Leah age 6, Courtney, age 4, and Mackenzie, age 2. I know they will miss their father very much, and always remember him for the joy and commitment that he had for the church and strong family values that he shared with them all. Everyone will remember his passion for working on vehicles, and after graduation from Carrabec High School in 1983, he left the family farm to join the Air Force and experience the world.

In the Air Force, Master Sergeant Andrews was the Chief of the Pave- ments Repair Team, operating a multitude of huge vehicles. He felt at home around heavy equipment, knew how to do every job in the shop, was willing to teach others, just as his father had once taught him. He was always volunteering, especially if a road trip was required. He loved driving those 18-wheelers, but was willing to ride shotgun, in order to show others what he knew best.

Master Sergeant Andrews truly was a great person who was moved to defend a great Nation and bring peace and safety to the world. He was willing to give his life to lead the world in protecting freedom. And it will be because of military members like Master Sergeant Andrews who bravely did what was asked of them and accomplished what needed to be done.

He was a thorough professional who was dedicated to his country and his duties as an Air Force Civil Engineer Non-commissioned Officer.

Master Sergeant Andrews will be buried at Arlington National Cemetery on 22 October 2001. It is about halfway between his and Judy’s families, who...
were the absolute love and joy of his life. I am very proud to recognize Master Sergeant Andrews and tell him and his family: Thank you from a grateful Nation.

HELPING DOCTORS TALK TO PATIENTS ABOUT GUN VIOLENCE

Mr. LEVIN. Mr. President, public health professionals have an important role to play in the fight against gun violence. We need doctors and nurses to help educate their patients on the dangers associated with owning a firearm. Toward that end, Physicians for Social Responsibility has produced a booklet called “Counseling Patients on Gun Violence: A Pocket Guide for Physicians and Nurses”. The booklet provides advice to medical professionals in talking to patients about risks related to keeping a gun in their homes. The booklet makes an important contribution to the effort to reduce gun violence and I urge health professionals to read the booklet, share copies with their colleagues and talk about these issues with their patients. The booklet can be downloaded from the Physicians for Social Responsibility’s web site or people can contact Physicians for Social Responsibility to request copies.

ANTI-TERRORISM LEGISLATION

Mr. WYDEN. Mr. President, I wish to explain to my colleagues the reasons for my objection to a unanimous consent request for the Senate to take up the anti-terrorism legislation, the Anti-Terrorism Act of 2001, H.R. 2975, passed by the House of Representatives on October 12, 2001. My public explanation is consistent with the commitment I have made to explain publicly any so-called “holds” that I may place on legislation.

I regret that I must object to any Senate action on the House-passed measure at this point. I do so because the national anti-terrorism legislation is in grave danger of being rendered useless. The Senate-passed anti-terrorism bill included an important, bipartisan provision, the Professional Standards for Government Attorneys Act of 2001, authored by Judiciary Chairman LEAHY, Ranking Member HARRELL, myself and supported by the Administration, the FBI and the Department of Justice. This provision corrected an immediate and severe impediment to the undercover investigations that must be employed to shut down terrorism in our Nation. The House failed to include this provision, which is section 501 of the Senate’s anti-terrorism bill, that will unfit the hands of Federal prosecutors in Oregon, allowing them to supervise undercover and other covert enforcement techniques. For more than a year now, the so-called McDaed law has prohibited prosecuting attorneys working at the State and Federal levels in Oregon from advising and conducting law enforcement undercover investigations on narcotics, child sex abuse, prostitution, organized crime, housing discrimination and consumer fraud. Without advice of counsel, law enforcement operatives cannot conduct wiretaps, sting operations or infiltrate dangerous criminal or terrorist operations. If the Senate does not insist on this language, it will be an engraved invitation to terrorists and criminals to set up shop in Oregon with little fear of detection or apprehension, using undercover or covert methods. This would endanger not just the people of Oregon, but all Americans.

I do not believe the Senate should allow the security of every American to be jeopardized. As I stated on the floor of the United States Senate yesterday, I do not want to find six months from now that terrorists have made their homes in Oregon because this body failed in its resolve to shut them down in every State in our country. I regret having to take this action, but I believe that leaving one State vulnerable makes each State in this country vulnerable.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. 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 January 15, 2000 in Elmwood Park, N.J. After days of anti-gay taunts and threats, a classmate beat a 16-year-old gay student at Memorial High School in Elmwood Park. The teen’s face was bruised and cut from being tackled and repeatedly punched in the head.

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 Enhancement 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.

REPORT ON A DRAFT OF PROPOSED LEGISLATION ENTITLED “FREEDOM TO MANAGE ACT OF 2001”—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDERING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Appropriations.

To the Congress of the United States:

I am pleased to transmit for immediate consideration and prompt enactment the “Freedom to Manage Act of 2001.” This legislative proposal would establish a procedure under which the Congress can act quickly and decisively to remove those structural barriers to efficient management imposed by law and identified by my Administration.

This proposal is part of the “Freedom to Manage” initiative outlined in the “President’s Management Agenda” issued in late August. The initiative includes additional legislative proposals, to be transmitted separately, that would give Federal agencies and managers the tools to more and effectively manage the Federal Government’s programs by: (1) providing Federal managers with increased flexibility to manage personnel; (2) giving agencies the responsibility to fund the full Government share of the accruing cost of all retirement and retiree health care benefits for Federal employees; and (3) giving agencies greater flexibility in managing and disposing of property assets.

In transmitting the Freedom to Manage Act, I am asking the Congress to join with my Administration in making a commitment to reform the Federal Government by eliminating obstacles to its efficient operations. Specifically, the Freedom to Manage Act would establish a process for expedited congressional consideration of Presidential proposals to eliminate or reduce barriers to efficient Government operations through the repeal or amendment of laws that create obstacles to efficient management or the provision of new authority to agencies.

The Freedom to Manage Act would provide that if the President transmits to the Congress legislative proposals relating to the elimination or reduction of barriers to efficient Government operations, either through repeal or amendment of current law or the provision of new authority, special expedited congressional procedures would be used to consider these proposals. If a joint resolution is introduced in either House within 10 legislative days of the transmittal containing the President’s legislative proposals, it would be held in committee for no more than 30 legislative days. It would then be brought to the floor of the House very quickly after committee action is completed for a vote under special procedures allowing for limited debate and no amendments. Finally, a bill passed in one House could then be brought directly to the floor of the other House for a vote on final passage.

As barriers to more efficient management are removed, the Nation will rightly expect a higher level of performance from its Federal Government. Giving our Federal managers “freedom to manage” will enable the Federal Government to improve its performance and accountability and serve the public. I urge the Congress to give the Freedom to Manage Act 2001 prompt and favorable consideration so we can work together in the
REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 49

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President by Executive Order in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2001.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, it is determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

George W. Bush.

MESSAGE FROM THE HOUSE

At 2:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 863. An act to provide grants to ensure increased accountability for juvenile offenders.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2621. An act to designate the facility of the United States Postal Service located at 2833 Candler Road in Decatur, Georgia, as the “Earl T. Shinhost Post Office.”

H.R. 2727. An act to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2841. An act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressman Julian C. Dixon Post Office.”

H.R. 2716. An act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

H.R. 2876. An act to designate the facility of the United States Postal Service located in Harlem, Montana, as the “Francis Bolandouve United States Post Office Building.”

H.R. 3004. An act to combat the financing of terrorism and other financial crimes, and for other purposes.

H.J. Res. 69. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 217. A concurrent resolution recognizing the historic significance of the 50th anniversary of the alliance between Australia and the United States under the ANZUS Treaty, recognizing the strong support provided by Australia to the United States in the aftermath of the terrorist attacks on September 11, 2001, including jointly invoking Article IV of the ANZUS Treaty, which commits both countries to act to meet a common danger, and reaffirming the importance of economic and security cooperation between the United States and Australia.

H. Con. Res. 248. A concurrent resolution expressing the sense of the Congress that public schools may display the words “God Bless America” as an expression of support for the Nation.

H. Con. Res. 251. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House has passed the following bill, without amendment:

S. 1465. An act to authorize the President to exercise waivers of assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bills (S. 1279, S. 1280, S. 1994) 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.

The message further announced that the House insists upon its amendment to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members to be the managers of conference on the part of the House:

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. Stump, Hunter, Hansen, Wendy of Pennsylvania, Heffley, Scott of Minnesota, Bereuter, Bartlett of Maryland, McKeon, Watters of Oklahoma, Thornberry, Hostettler, Chablisss, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meekhan, Underwood, Allen, and Snyder.

From the Permanent Select Committee on Intelligenc for consideration of matters within the jurisdiction of that committee under clause 11 of rule X. Messrs. Gross, Biehauer, and Ms. Pelosi.

From the Committee on Education and the Workforce, for consideration of sections 304, 305, 1123, 3151, and 3157 of the Senate bill, and sections 341, 342, 509, and the periodic report on the national emergency with respect to the internacional emergency economic powers act, 50 u.s.c. 1703(c), i transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in colombia that was declared in executive order 12977 of october 21, 1995.

George W. Bush.

The message further announced that the House has agreed to the report of the committee of conference on the bill (h.r. 2217) making appropriations for the department of the interior and related agencies for the fiscal year ending september 30, 2002, and for other purposes.

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The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (s. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members to be the managers of conference on the part of the House:

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. Stump, Hunter, Hansen, Weldon of Pennsylvania, Heffley, Scott of Minnesota, Bereuter, Bartlett of Maryland, McKeon, Watters of Oklahoma, Thornberry, Hostettler, Chablisss, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meekhan, Underwood, Allen, and Snyder.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X. Messrs. Gross, Biehauer, and Ms. Pelosi.

From the Committee on Education and the Workforce, for consideration of sections 304, 305, 1123, 3151, and 3157 of the Senate bill, and sections 341, 342, 509, and
MEASURES REferred

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 863. An act to provide grants to ensure increased accountability for juvenile offenders; to the Committee on the Judiciary.

H.R. 2621. An act to designate the facility of the United States Postal Service located at 1625 Florida Avenue, Northwest, Washington, D.C., as the “Earl T. Shinhoster Post Office”; to the Committee on Governmental Affairs.

H.R. 2727. An act to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on Foreign Relations.

H.R. 2936. An act to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; to the Committee on Governmental Affairs.

The following resolutions were read, and referred as indicated:

H. Con. Res. 217. Concurrent resolution recognizing the historic significance of the fifteenth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard; to the Committee on Foreign Relations.

H. Con. Res. 218. Resolution expressing the sense of the Congress that public schools may display the words “God Bless America” as an expression of support for the Nation; to the Committee on the Judiciary.

MEASURES PlACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2716. An act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1550: A bill to provide for rail safety and security assistance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation:

*Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.

*John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy.

*Coast Guard nominations beginning Rear Adm. (ih) James C. Olson and ending Rear Adm. (ih) Kenneth T. Venuto, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

*Coast Guard nominations beginning Capt. Dale G. Gabel and ending Capt. David B. Peterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 9, 2001.

*Coast Guard nomination of Capt. Duncan C. Smith III.

*Coast Guard nomination of Capt. Stephen W. Rochon.

Mr. HOLLINGS. Mr. President, for the committee on Commerce, Science, and Transportation, I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary’s desk for the information of Senators.

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

Coast Guard nominations beginning Bryon Ing and ending Joseph E. Vorbach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 3, 2001.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions:

*Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

By Mr. KERRY for the committee on Small Business and Entrepreneurship:

*Pamela M. Sullivan of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration.
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 Ms. SNOWE:
S. 1559. A bill to amend the Ports and Waterways Safety Act to provide that certain information be provided before a vessel arrives in United States waters; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:
S. 1560. A bill to strengthen United States capabilities in environmental detection and the monitoring of biological agents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:
S. 1562. A bill to amend title 39, United States Code, with respect to cooperative mailings; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. MILLER, and Ms. FEINSTEIN):
S. 1563. A bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COCHRAN (for himself, Mr. Frist, and Mr. LEAHY):
S. J. Res. 26. Providing for the appointment of Patricia Q. Stonestifer as a citizen regent of the Smithsonian Institution; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 28, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 122, a bill to prohibit the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medical program for such children, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 470, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. COCHRAN), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 727, a bill to allow grants for cardiopulmonary resuscitation (CPR) training in public schools.

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1546, a bill to provide additional funding to combat bioterrorism.

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 932, a bill to amend the Food Security Act of 1986 to establish the conservation security program.

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1029, a bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving.

At the request of Mr. SANTORUM, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.

At the request of Mr. KYL, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1541, a bill to provide for a program of temporary enhanced unemployment benefits.

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1546, a bill to provide additional funding to combat bioterrorism.

Nomination was reported with recommendation that they be confirmed.)

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 806, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 905, a bill to provide incentives for school construction, and for other purposes.

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to encourage saving, and for other purposes.
There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1559
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 “Transparent Sea Act of 2001.”

SEC. 2. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.
Section 4(a) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(5)) is amended by striking paragraph (5) and inserting the following:

“(5)(A) may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States, not later than 96 hours before the vessel’s arrival or such time as deemed necessary under regulations promulgated by the Secretary to thoroughly examine all information provided, which shall include with respect to the vessel—

(i) the route and name of each port and place of destination in the United States;

(ii) the estimated date and time of arrival at each port or place;

(iii) the name of the vessel;

(iv) the crew and passenger list, the vessel’s cargo, and the port the vessel last departed from. Such a database allows the Coast Guard to track patterns and identify potential threats from reaching our shores. The sum total of all of our available resources and knowledge must be brought to bear in the defense of our country.

Specifically, my bill would authorize the Coast Guard to obtain the information needed to achieve a greater awareness of possible maritime threats. The bill requires vessels to submit to the Coast Guard prearrival messages not later than 96 hours prior to entering U.S. waters, or such time as deemed necessary by the Secretary of Transportation. This will provide the Coast Guard time to thoroughly examine all the information necessary to protect our Nation’s waterways. This bill allows the Coast Guard to gather vital information about incoming vessels before they reach our ports. This allows them to be proactive and prevent potential threats from reaching our shores.

The American people place very high expectations on the Coast Guard. It is incumbent upon us to provide them with the information they need to fulfill those expectations. The Transparent Sea Act of 2001 has the support of the Coast Guard and I look forward to moving the bill to the Senate floor at the earliest opportunity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. AKAKA:
S. 1560. A bill to strengthen United States capabilities in environmental detection and the monitoring of biological agents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):
S. 1561. A bill to strengthen the preparedness of health care providers within the Department of Veterans Affairs and community hospitals to respond to bioterrorism; to the Committee on Veterans Affairs.

This morning, the Committee and Subcommittee held a joint hearing. We heard from Health and Human Services Secretary Tommy Thompson on the government’s role in lateral coordination of response efforts between federal agencies and vertical coordination of efforts with the local and State agencies that are the first to respond to acts of bioterrorism. All our witnesses provided excellent testimony on the progress in national bioterrorism preparedness since the September 11 terrorist attacks on America.

The bills I introduce today address a set of key issues in our national response to acts of terrorism. First, I am sponsoring legislation to increase funding for research and development of new technologies to detect the use of biological weapons against this nation. Second, I am offering a bill with Senator Rockefeller to strengthen cooperation between the health network of the Department of Veterans Affairs and community healthcare workers across the Nation. And, third, I will introduce a measure next week to establish stronger oversight for our Nation’s agricultural system and protection of our crops and livestock from agricultural terrorism.

The first piece of legislation, the Biological Agent Environment Detection Act, authorizes appropriations totaling $40 million to support research and development of technologies to detect organisms in the air, water, and food.
that cause disease in humans, livestock, and crops. This mirrors the President’s request of $40 million to support early detection surveillance to identify potential bioterrorism agents, announced by Secretary Thompson at today’s hearing. Funds are necessary to encourage cooperative research agreements between the Federal Government, industry, and academic laboratories. The anthrax events of the past two weeks underscore the need for new detection, monitoring, and information-gathering systems. These funds will also support ongoing efforts to develop satellite-based remote sensing technologies to identify weather patterns that contribute to the spread of infectious disease and biological or chemical attacks. Finally, this funding is necessary to support the rigorous testing, verification, and calibration of new biological detection technologies.

The second piece of legislation, sponsored by Representative DAN BURTON, will provide the Department of Veterans Affairs with additional funds to develop training programs with community health care providers. We need to enhance the cooperation between crucial elements of our public health system. This includes the National Medical Disaster System. These increased funds will support expanded use of existing telecommunications systems to implement a telemicine training program for VA physicians and their community public health counterparts. Remote regions of our Nation need the assurance that local public health responders will have the training and information they need to protect and treat citizens in instances of biological terrorism.

The third bill, the Biosecurity Agriculture Terrorism Act, will enhance Federal efforts to prepare for and respond to acts of agricultural terrorism or naturally-occurring agricultural epidemics that cause disease in humans, livestock, and crops. This bill will support expanded use of existing telecommunications systems to implement a telemicine training program for VA physicians and their community public health counterparts. Remote regions of our Nation need the assurance that local public health responders will have the training and information they need to protect and treat citizens in instances of biological terrorism.

By Mr. SANTORUM:

S. 1562. A bill to amend title 39, United States Code, with respect to cooperative mailings, to the Committee on Governmental Affairs.

The legislation clarifies ambiguities in the Postal Reorganization Act of 1970, which established a nonprofit mail rate for charities. In recent years, the United States Postal Service, USPS, has increasingly applied this benefit to mailings from nonprofit organizations. The result is a 40 percent increase in postal costs for these mailings. My legislation would allow charities and faith-based organizations to share ownership of their mailing with commercial printing and mailing businesses to produce and administer mailings. This legislation will also strengthen Federal efforts to prepare for and respond to agricultural bioterrorism.

The Agriculture Bioterrorism Countermeasures Act of 2001 will authorize the U.S. Department of Agriculture, USDA, to strengthen its capabilities to identify, prepare for, and respond to agricultural terrorism threats to our farms, ranches, livestock, poultry, crops, and food processing, packaging, and distribution facilities and systems.

As we continue the fight against terrorism, it is critical that we dedicate sufficient resources to agricultural bioterrorism, a growing threat which has the potential of putting the safety of the U.S. food supply at risk. The United States currently boasts the world’s safest and most abundant and affordable food supply, which helps our citizens and helps bolster our economy. Clearly, it would be devastating for the public to lose confidence in the safety of our food. We, as a Nation, must respond by developing the technology and implementing the countermeasures needed to identify and quickly control these risks.

The potential threat of bioterrorism to the U.S. population and to our food supply has been recognized over the years, from the cold war to the gulf war. During the cold war, it was known that the former Soviet Union had a bio-weapons program that included biological weapons aimed at agriculture, while during the gulf war our own soldiers have suffered from chemical attacks. Meanwhile, in Japan, terrorists have already tried once to use chemical and bioagents on the subways. In addition, the recent outbreaks of foot and mouth disease in Europe and “mad cow disease” have increased public awareness and concern about exotic diseases that may affect the public through agricultural infection.

The Agriculture Bioterrorism Countermeasures Act of 2001 will authorize the U.S. Department of Agriculture, USDA, to strengthen its capabilities to identify, prepare for, and respond to agricultural terrorism threats to our farms, ranches, livestock, poultry, crops, and food processing, packaging, and distribution facilities and systems.

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education that have a demonstrated expertise in animal and plant disease research, strong linkages with diagnostic laboratories, and strong coordination with state cooperative extension programs will provide the resources and expertise that will prove invaluable in the war on agricultural bioterrorism.

Protecting our agriculture is critical to our home state. Food production and agriculture make up some of Texas’ largest and most diverse economic sectors. Countless amounts of food products, grains, livestock, and poultry travel across our 1200 mile border with Mexico and through our ports of the Gulf of Mexico. We—along with other major agriculture states included Mississippi, Georgia and California—are vulnerable to a bioterrorist attack. However, we will also serve as the first lines of defense for our entire country.

To protect our food supply, our citizens, and our economy, I urge my colleagues in the Agriculture Committee to support the Agricultural Bioterrorism Countermeasures Act of 2001.

By Mr. COCHRAN (for himself, Mr. Frist, and Mr. Leahy):
S.J. Res. 26. Providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Smithsonian Institution.

Mr. COCHRAN. Mr. President, today I am submitting a Senate Joint Resolution appointing a citizen regent to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators Frist and Leahy are cosponsors.

The Smithsonian Institution Board of Regents recently recommended the following individual for appointment to a six year term effective December 8, 2001: Patricia Q. Stonesifer of Washington.

I ask unanimous consent that a copy of her biography be included in the RECORD.

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

PATTY STONESEYER, CO-CHAIR AND PRESIDENT, BILL AND MELINDA GATES FOUNDATION.

Patty Stonesifer leads the foundation’s mission to improve access to advances in global health and learning for all people as we move into the 21st century.

She served on the Board of the Vaccine Fund, launched in 1999 to address the need for vaccines among the world’s poorest countries, and the Board of the African Comprehensive HIV/AIDS Partnership, a multi-sectoral approach to slowing the spread of AIDS in Botswana. Stonesifer served as an official member of the U.S. delegation to the United Nations General Assembly Special Session on AIDS.

In addition to her responsibilities with the foundation, Stonesifer is an active community volunteer, donating both time and resources to a number of regional nonprofit organizations, and serves on the board of directors of the Dallas County and the Salvation Army. She is also on the board of directors of Amazon.com and Viacom Inc.

Prior to being asked by Bill and Melinda Gates to launch the work of the Gates' Learning Foundation in 1997, Stonesifer held a senior vice president position at Microsoft and ran her own management consulting firm, working with such corporations as Dream Works SKG.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1903. Mr. REID (for Mr. Bingaman) proposed an amendment to the bill S. 1097, to provide for the secretary of the interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

SA 1904. Mr. REID (for Mr. Thomas) proposed an amendment to the bill S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Great Teton National Park, and for other purposes;

TEXT OF AMENDMENTS

SA 1903. Mr. REID (for Mr. Bingaman) proposed an amendment to the bill S. 1097, to provide for the issue of right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

SA 1904. Mr. REID (for Mr. Thomas) proposed an amendment to the bill S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Great Teton National Park, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

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SA 1904. Mr. REID (for Mr. Thomas) proposed an amendment to the bill S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Great Teton National Park, and for other purposes.

SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.

(a) In General.—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that exist as of September 1, 2001 within the boundary of Great Smoky Mountains National Park.

(b) Terms and Conditions.—A permit issued under subsection (a) shall—

(1) be issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary.

SEC. 2. PERMITS FOR PROPOSED NATURAL GAS PIPELINES.

(a) In General.—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that are proposed to be constructed across the boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(a), by any one or a combination of the following:

(1) donation; or

(2) exchange of Federal lands in the State of Wyoming with donated or appropriated funds, or

(3) exchange of Federal lands in the State of Wyoming for Federal lands in the State of Nevada or for Federal lands in the State of California.

(b) Terms and Conditions.—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Great Teton National Park, as generally depicted on the map referenced in section 2(d), by any one or a combination of the following:

(1) donation; or

(2) exchange of Federal lands in the State of Wyoming with donated or appropriated funds, or

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 3(d), the Secretary may identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) Agreement on Appraiser.—If the Secretary and the Governor are unable to agree on the value of any Federal land eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be based on the values determined by the appraisal.

(b) No Agreement on Appraiser.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be based on the values determined by the appraisal.

(c) Appraisal Costs.—The Secretary and the Governor shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED PURSUANT TO THIS ACT.

The State lands conveyed to the United States under section 3(a) shall become part
Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 17, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Michael Smith to be an Assistant Secretary of Energy (Fossil Energy). Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Sam Fowler, United States Senate, Washington, D.C. 20510.

For further information, please call Sam Fowler at 202-224-4103.

COMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Thursday, October 18, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C. has been postponed. This hearing has not been rescheduled.

The purpose of the hearing was to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

For further information, please contact Kira Pinkel (202) 224-8164 or Shelley Brown (202) 224-5015 of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the Session of the Senate on October 17, 2001 to conduct a hearing on the nominations of Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. on pending committee business, including Rail Security.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. to conduct a hearing to consider the following nominations: William W. Baxter to be a member of the Board of Directors of the Tennessee Valley Authority; Kimberly Terese Nelson to be Assistant Administrator of the Office of Environmental Information, U.S. Environmental Protection Agency; and Steven A. Williams to be Director of the National Park Service.

The hearing will be held in room 406 of the Senate Dirksen Building.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. for a hearing entitled “Federally Efforts to Coordinate and Prepare the United States for Bioterrorism: Are They Adequate?”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. 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 17, 2001, at 2:30 p.m. to hold a nomination hearing.

Nominations: Nominees: Mr. Carlson, of Virginia, to be Ambassador to the Republic of Latvia; Mr. Joseph DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia; Ms. Bonnie McElvane-Hunter, of North Carolina, to be Ambassador to the Republic of Finland; Mr. John Ordway, of California, to be Ambassador to the Republic of Armenia; Mr. John Palmer, of Mississippi, to be Ambassador to the Republic of Portugal; and Mr. Clifford Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 17, 2001, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Wednesday, October 17, 2001, at 10:30 a.m. in Dirksen 226 on “Effective Immigration Controls To Deter Terrorism.”

Panel I: Mary Ryan, Assistant Secretary of State for Consular Affairs, Department of State, Washington, DC; Mr. Lino Gutierrez, Assistant Secretary of State for Western Hemisphere Affairs, Department of State, Washington, DC; Mr. James Ziglar, Commissioner, Immigration and Naturalization Service, Washington, DC.

Panel II: Ms. Jeanne Butterfield, Executive Director, American Immigration Lawyers Association, Washington, DC; Dr. Demetrios Papademetriou, Co-Director, Migration Policy Institute, Washington, DC; Mr. Richard Norton, Executive Director, International Biometric Industry Association, Fairfax, VA.

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

ESTABLISHING A MEMORIAL TO HONOR TOMAS G. MASARYK

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1161 which is being held at the desk.

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

A bill (H.R. 1161) to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

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

The bill (H.R. 1161) was read the third time and passed.

TO AUTHORIZE COMMEMORATIVE WORK TO HONOR PRESIDENT JOHN ADAMS AND FAMILY

Mr. REID. I ask consent that the Senate proceed to the immediate consideration of Calendar No. 179, H.R. 1688.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1688) to authorize the Adams Memorial Foundation to establish commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto appear at the
proper place in the RECORD as if given, with no intervening action or debate.

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

The bill (H.R. 1668) was read the third time and passed.

THE CALENDAR

Mr. REID. I ask consent that the Senate proceed en bloc to the consideration of the following calendar numbers: Calendar No. 171, No. 172, No. 173, No. 174, No. 175, No. 176, No. 177, and No. 178.

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

Mr. REID. I ask unanimous consent that the following amendments be considered and agreed to en bloc: with respect to Calendar No. 174, S. 1097, the Bingaman amendment, No. 1903; and Calendar No. 175, S. 1105, the Thomas amendment, No. 1904; and the motions to reconsider be laid on the table en bloc.

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

Mr. REID. I further ask unanimous consent any committee amendments, where applicable, be agreed to; the bills, as amended, where applicable, be read three times, passed, and the motions to reconsider be laid on the table en bloc; any statements relating to these matters be printed in the RECORD at the appropriate place as if read; and that the consideration of these items appear in the RECORD with no intervening action or debate.

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

FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF 2001

The Senate proceeded to consider the bill (S. 423) to amend the Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes,” which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be struck are shown in boldface brackets and the parts of the bill intended to be inserted are shown in Italic.)

S. 423

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 “Fort Clatsop National Memorial Expansion Act of 2001.”

SECTION 2. FINDINGS. The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent the winter preparing for their journey home.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present-day McGowan, Washington, known as “Station Camp,” where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic “vote” to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the “Station Camp” site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes”, approved May 29, 1958 (Chapter 158, 72 Stat. 153), is amended—

(a) by inserting in section 2 “(a)” before “The Secretary”;

(b) by inserting in section 2 a period, “,” following “coast” and by striking the remainder of the section;

(c) by inserting in section 2 the following new subsections:

(1) (b) The Memorial shall also include the lands depicted on the map entitled “Fort Clatsop Boundary Map” numbered and dated “405-80016-COO–June 1996.” The area designated in the map as the ‘Buffer Zone’ shall not be developed, but shall be managed as a visual buffer.

(2) (c) The total area for the Memorial shall not exceed 1,500 acres.

(3) (d) Such lands included within the boundary as depicted on the map referenced in section 2(b) may be acquired only from willing sellers, with the exception of corporately-owned timberlands.

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as “Station Camp” near McGowan, Washington, to determine if Station Camp related to the Corps of Discovery and, if so, the extent of the site and the size of the memorial that would be appropriate before the start of the national bicentennial celebration of the Lewis and Clark

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Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOPT NATIONAL MEMORIAL.

The Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes”, approved May 29, 1958 (Public Law 85–589; 16 U.S.C. 460bb–4(g)), is amended—

(1) in section 2, by inserting “(a)” before “The Secretary”;

(2) in section 2, by striking “coast” and all that follows up to the end of the section and inserting “coast.”;

(3) in section 2, by adding the following new subsections:

“(b) The Fort Clatsop Memorial shall also include the lands depicted as ‘Addition Lands’ on the map entitled ‘Fort Clatsop Boundary Map’ numbered and dated 485–80025A–CC–June 1996. The area designated in the map as the ‘Buffer Zone’ shall not be developed, but shall be managed as a visual buffer.

“(c) The total area for the Memorial shall not exceed 1,500 acres.”

(4) in section 3, by inserting “(a)” before “Within”.

(5) by inserting at the end of section 3 the following:

“(b) Such lands included within the boundary as depicted on the map referenced in section 2(b) may be acquired only from willing sellers with the consent of cooperatively owned timberlands.”.

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as “Station Camp” near McGowan, Washington, as well as the Meger Rest Area and Fort Canby State Park, to determine their suitability, feasibility, and national significance, for inclusion into the National Park System.

The study shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATIONAL AREA BOUNDARY ADJUSTMENT ACT OF 2001

The Senate proceeded to consider the bill (S. 941) to revise the boundaries of the Golden Gate National Recreational Area, to extend the boundaries of the area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.

S. 941

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 “Rancho Corral de Tierra Golden Gate National Recreational Area Boundary Adjustment Act of 2001”.

SEC. 2. GOLDEN GATE NATIONAL RECREATIONAL AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) In general.—The recreation area shall comprise:”;

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the paragraph and inserting the following:

“(2) Additional land.—In addition to the land described in paragraph (1), the recreation area shall include—


(B) land and water in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG–80,000–A, and dated May 1980;

(C) land acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299);

(D) land generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS–80,076, and dated July 2000/FWR–PLRPC; and


(3) ACQUISITION AUTHORITY.—The Secretary may acquire land described in paragraph (2) only from a willing seller.

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Section 5(g) of Public Law 92–589 (16 U.S.C. 460bb–4(g)) is amended by striking “thirty years after the enactment of this Act” and inserting “on December 31, 2012”.

The committee amendments were agreed to.

The bill (S. 941) was ordered to be engrossed for a third reading, was read the third time and passed; as follows:

S. 941

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 “Pu’uhonua o Hōnaunau National Historical Park Addition Act of 2001”.

SEC. 2. ADDITIONS TO PU’UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.

The first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 307), is amended—

(1) by striking “That when” and inserting “SECTION 1. (a) When” and

(2) by adding at the end thereof the following new subsections—

“(b) The boundaries of Pu’uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of land and interests therein within the area identified as ‘Parcel A’ on the map entitled ‘Pu’uhonua o Hōnaunau National Historical Park Proposed Boundary Additions Kūlai Village’, numbered PUHO–P 415.92.013 and dated May, 2001.

“(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as ‘Parcel B’ on the map referenced in subsection (b) upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu’uhonua o Hōnaunau National Historical Park to include such lands or interests thereof.”

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

RIGHT-OF-WAY PERMITS FOR NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK

The Senate proceeded to consider the bill (S. 1097) to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park, approved May 29, 1958 (Public Law 85–589; 16 U.S.C. 460bb–4(g)).
SEC. 2. DEFINITIONS. As used in this Act:
(1) the term “Federal lands” means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).
(2) the term “Governor” means the Governor of the State of Wyoming.
(3) the term “Secretary” means the Secretary of the Interior.
(4) the term “State lands” means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled “Private, State & County Inholdings Grand Teton National Park”, dated March 5, 1976, and number GTP-301, and that are of equal value to the State lands acquired in the exchange.
(b) in the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(a), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.
SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.
(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of their respective title or interest under subsection (a)(3) shall be conducted based on the values determined by the appraisal.
(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.
(c) APPRAISAL COSTS.—The Secretary and the Governor shall each pay one-half of the appraisal costs under subsections (a) and (b).
SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.
The State lands conveyed to the United States under section 3(a) shall become part of the Grand Teton National Park, and the Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) and other laws, rules, and regulations applicable to Grand Teton National Park.
SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

GREAT FALLS HISTORIC DISTRICT STUDY ACT OF 2001
The bill (H.R. 146) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EIGHTMILE RIVER WILD AND SCENIC RIVER STUDY ACT OF 2001
The bill (H.R. 182) to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 2001
The bill (H.R. 1000) to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002
Mr. REID. I ask unanimous consent that the Senate now proceed to H.J. Res. 69, a 1-week continuing resolution, just received from the House of Representatives.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be considered read three times, passed, and the motion to reconsider be laid on the table, with no intervening questions or debate.

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

The joint resolution (H.J. Res. 69) was read the third time and passed.
ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. REID. I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 251, the adjournment resolution, which is at the desk, that the concurrent resolution be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, the request with regard to the measure is agreed to.

The concurrent resolution (H. Con. Res. 251) was agreed to, as follows:

H. Con. Res. 251

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first. Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly and after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to concurrent resolution by the Majority Leader or his designee, it stand reassembled or adjourned until a quorum is present.

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

ORDERS FOR THURSDAY, OCTOBER 18, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, October 18, 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 that there be a period of morning business until 10:30 a.m., with Senators permitted to speak up to 10 minutes each; further, at 10:30 a.m. the Senate begin consideration of the conference report to accompany H.R. 2904, the Military Construction Appropriations Act.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I understand that Senator BYRD wishes to speak today, so I ask unanimous consent that when the Senate adjourns following the remarks of the Senator from West Virginia, and that any time not used by the Majority Leader or his designee in the motion to reassemble or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to concurrent resolution by the Majority Leader or his designee, it stand reassembled or adjourned until a quorum is present.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Nelson of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AIRPORT SECURITY

Mr. BYRD. Mr. President, this morning, October 17, the Washington Post reported that investigators from the Inspector General’s Office of the Transportation Department and of the Federal Aviation Administration went to 14 airports over the past few days to test the “improved” safety standards at our nation’s airports.

What are we arguing about? What are we fighting over now? Privatizing the Federal workforce is an issue that often surfaces in Congress. It is part of a 200-year-old debate about the proper size of the Federal Government. But on October 11, we unanimously passed legislation to increase security at our airports. The Senate-passed bill would create a Federal force of 28,000 screeners and armed security guards to check passengers and baggage.

According to media reports, however, that legislation has stalled in the House of Representatives because of a partisan dispute about whether airline screeners should be Federal employees or hired by private contractors.

We have tried that. We tried the hiring of screeners by private contractors. That is what has given the American people the heebie-jeebies. The Nation is jittery after having tried that. So what are we arguing about? What are we fighting over now?

Privatizing the Federal workforce is an issue that often surfaces in Congress. It is part of a 200-year-old debate about the proper size of the Federal Government. But on October 11, we unanimously passed legislation to increase security at our airports. The Senate-passed bill would create a Federal force of 28,000 screeners and armed security guards to check passengers and baggage.

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protecting our airlines and airports. And only by federalizing those screeners can the American public be assured that “cost-cutting” will not occur to the detriment of their safety.

There is more at stake here than scoring political points about whether the size of the Federal Government is growing or shrinking. The American people are looking to the Congress to reassure them about the safety of their airlines. Restoring the confidence of the American people in airline travel is essential to getting the U.S. economy back on track.

For all of the big talk and for all of the gas that has been emitted from the larynxes of politicians, the one that would seem to help the economy most is the passage of an airline security bill.

We have done our part.
I hope that the House leadership can settle what is a misplaced, partisan dispute, and address quickly the more pressing needs of the American people whom we serve.

Mr. President, I thank the Chair and 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 5:19 p.m., adjourned until Thursday, October 18, 2001, at 10 a.m.
CONCLUDING THE PEOPLE'S BUSINESS

HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to join my colleagues in our resolve to complete the people's work in the people's House, the U.S. House of Representatives. The measures regarding the environmental sweep which will be conducted in the U.S. House Office Buildings and U.S. Capitol over the next few days are precautionary in nature. When the House reconvenes next week, we will be well positioned to complete the final review of conference reports for the 13 appropriation bills, as well as to consider important pieces of legislation, including the economic stimulus package and further consideration on measures related to our ability to combat terrorism in our nation and around the globe. Collectively we are resolved to expediously complete all of the remaining spending measures for Fiscal Year 2002 prior to the end of the month when the current Continuing Resolution will expire. The work of our federal government continues each day with services, programs, and essential activities.

In addition to the proposals outlined, I would anticipate the House giving final consideration to the conference report on improving our children's educational system. In the Energy and Commerce Committee on which I serve, I am confident we will resume our discussions and debate regarding a national energy policy which continues to focus on how best to deregulate our nation's electricity supply, as well as issues related to the security of that supply. I will anticipate that our bipartisan efforts will continue, and I encourage my colleagues and members of the House leadership to foster the bipartisan spirit for the betterment of our country.

With our national spirit and resolve we will win the fight against terrorism. In my community of Greater Kansas City, the constituents whom I represent are committed, as are all Americans, to maintaining our freedoms in the democracy we cherish.

Mr. Speaker, we return to our districts today to participate in our respective community activities at neighborhoods, businesses, schools, picnics, and other gatherings. We look forward to returning next Tuesday to complete the people's work.

TRIBUTE TO JOE WILLIAMS, JR.

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and achievements of a constituent from my congressional district who was not only the father of a close friend, but also a respected citizen of South Arkansas, Joe Williams, Jr., who passed away recently at the age of 66.

Joe Williams, Jr. was born in the southern Arkansas town of Sparkman in 1935. At a young age, he joined the Harmony Baptist Church in the nearby community of Pine Grove. After attending Sparkman Training School, Joe spent time as a young adult living in Kansas City, Missouri, and Dallas, Texas, before returning home to Pine Grove, where he became an invaluable member of the community.

As a young man, he was first employed by the International Paper Company and then by the Taylor Gin Company as a truck driver and a farmer. He later held jobs with Georgia Pacific Corporation as ajitney driver as well as St. Clai Rubber Company as a press operator before retiring to his beloved country farm in Pine Grove.

Joe led an active and productive life, yet he always put his family first. He maintained a strong commitment to the church and took an active role in local politics in Dallas County. When he wasn't working or serving his community, he liked to spend time hunting, fishing, working on and collecting automobiles, gardening, or working with his farm tractor.

Joe Williams, Jr. will long be remembered by those who knew him well, and to all of Joe's family and friends, his passing is a great loss not only to those who knew him well, but to all of South Arkansas. My thoughts and prayers are with his wife,Escada, his sons, Stanley and Stacy, and all his family and friends.

INTRODUCING NEW LEGISLATION

HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise to offer an important piece of legislation that will help Americans respond to the September 11, 2001, terrorist attacks on our nation. Many citizens are wondering what they can do to help win the war on terrorism. The bill I am introducing would temporarily waive the penalties against those who for whatever reason have neglected to sign up with the Selective Service System if they register within 60 days after this becomes law.

We all know that American males must register for the military draft when they turn 18. As a member of the House VA-HUD Appropriations Subcommittee, which funds the Selective Service System, I have learned that roughly 13 percent of our young men do not perform this basic duty. After seeing the registration rate decline for most of the 1990's, it is now remaining steady for the last two years due to an emphasis on programs and initiatives around the country to increase awareness.

Registering for the military draft has never been easier or more convenient. During the 60-day amnesty period outlined in the bill, young men can register via Internet or telephone. Furthermore, a nationwide high school registration blitz and new state laws have all served to assist the Selective Service in their responsibility. Let me be clear, this legislation neither calls for, or presupposes the reinstatement of the draft. It is simply a matter of preparedness at a time when our Nation must be prepared in every aspect.

Under Federal law, there are serious consequences for failing to register for the draft. Penalties for not registering if convicted are up to 5 years in prison and up to $250,000 in fines, or a combination of both. Although the Department of Justice can prosecute for failure to register, the normal sanctions for not registering are denial of Federal and some State student aid, government job training, State and Federal employment and U.S. citizenship for immigrants seeking naturalization. Under this legislation, these penalties are waived if a young man fulfills his duty within 60 days of enactment of this law.

I would point out that penalties for failing to register with the Selective Service are not limited to federal law. Six states (Oklahoma, Delaware, Utah, Arkansas, Hawaii, and Georgia) currently deny state drivers licenses if one is not registered and other states are contemplating similar laws.

The terrorist attacks on America September 11th and the loss of innocent lives in this tragedy has demonstrated the real and credible danger to the freedom of our country and its citizens. In peacetime and in time of war, the Selective Service System has been a strong backbone for our military and our country. This legislation further strengthens our preparedness while allowing young American men the chance to get right with the law.

Mr. Speaker, I look forward to working with my colleagues to help Americans fulfill their patriotic duty during this difficult time.

PERSONAL EXPLANATION

HON. ALLEN BOYD
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. BOYD. Mr. Speaker, on rollcall No. 386, I was unable to cast my vote due to a previous commitment in my district. Had I been present, I would have voted "yea."

HONORING THE LIFE AND ACHIEVEMENTS OF ANTONIO MEUCCI

HON. VITO FOSSELLA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. FOSSELLA. Mr. Speaker, Italian-Americans have contributed greatly to the United States and the world. Antonio Meucci was an inventor who was born in Italy in 1838. He immigrated to the United States in 1871 and settled in New Jersey in 1873. Meucci is credited with inventing the telephone in 1871, predating Alexander Graham Bell's invention of the telephone by four years. Meucci's work was not officially recognized until 1892.

Meucci died on April 16, 1903, and was buried in Rosemont Cemetery in New Jersey. In 1995, the U.S. Postal Service issued a commemorative stamp honoring Meucci. The Telephone Museum in New Jersey is dedicated to his life and work.

This "bullet" symbol indicates statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
States; Columbus discovered America, two Italians signed the Declaration of Independence, Enrico Fermi split the atom and Captain Don Gentile, the fighting ace, was described by General Dwight Eisenhower as a “one man air force,” to name just a few. I wanted to spend a few minutes today to honor an Italian-American who is often overlooked—Antonio Meucci.

The 19th century was a time of great technological innovation, as its birth heralded the beginning of the Industrial Revolution. However, as is the case today, just as before, we are beginning to explore, the rough and tumble of our young nation had yet to develop information exchange to the extent we enjoy today.

The Founding Fathers made America guarantor of unprecedented—liberty. This liberty included an again unprecedented appreciation for intellectual property rights.

Today, with our study of historical records and ability to examine many disparate sources of information, it is likely that the invention of what we know today as the telephone took place in the middle of the 19th century rather than at its end. Its creator was Antonio Meucci. He worked for years to develop this new system of electronic communication. However, poor and sick, he was unable to keep the patents in force and died before the courts could decide with finality whether he or Alexander Graham Bell was the true inventor of the telephone.

It is known that Meucci demonstrated his device in 1860, that a description appeared in New York’s Italian language newspaper and that Western Union received working models from Meucci but reportedly lost them. It is also known that Meucci, due to his limited means, settled for a caveat, a one-year renewable notice of an impending patent, first filed in 1871 but which he was unable to pursue after 1874, while Alexander Graham Bell was not granted a patent until 1876. Finally, it is known that the Supreme Court of the United States agreed to remand the issue for trial, but Meucci died a short time later, rendering the case moot.

With these facts before the House today, I ask for passage of this Resolution to honor the life and achievements of Antonio Meucci.

SUPPRESSION OF WOMEN IN AFGHANISTAN

SPEECH OF

HON. BARBARA LEE
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Ms. LEE. Mr. Speaker, I rise today to lend my voice to those in Congress, this country, and throughout the world who are concerned about the oppressed women living in Afghan- stan under the cruel Taliban regime. Never have the women in that country needed the support of others in the international community more than now.

When the Taliban, the ruling party in Afghan- stan, took control in 1996, women were completely stripped of all their fundamental human rights and freedoms. Prior to 1996, women were allowed to work, have careers, and go to school.

Now, women in Afghanistan are not allowed to engage in any of these activities. They are not allowed to leave their homes unless accompanied by a close male relative, or talk to, or walk with a man to whom they are not related.

The Taliban believes that women appearing in public in any capacity are instruments of moral corruption and agents of sexual anarchy. To avoid this, women must be kept covered, out of sight and off the streets. They must wear the burqa, the clothing garment that covers them from head-to-toe, leaving only a mesh square over their eyes to permit minimal vision.

Schools in Afghanistan have also been drastically impacted by the Taliban regime. Within three months of the capture of Kabul, the Taliban closed 63 schools in the city affecting about 100,000 girls, 150,000 boys and 11,000 teachers, of whom 75 percent were women. The Taliban shut down Kabul University sending home some 10,000 students, of which 4,000 were women.

Many children in Afghanistan are growing up without any education, since women are not allowed to teach young children because it qualifies as work. An entire generation of Af- ghan children are growing up uneducated.

Women in Afghanistan are beaten and killed when they disobey the Taliban’s wishes and rules. Women are often times the victims of de- liberate and arbitrary killings and disappear- ances.

The Taliban turns a blind eye to the abduction of women, forces them into brutal mar- riages, and condones rapes and sexual as- saults of young girls and women. Worse, women who are raped can be put to death for the crime of being a victim of rape. Women are publicly harassed, intimidated and beaten for carrying out activities common in our coun- try, such as wearing make-up, which is deemed to be violating the strict rules of the Taliban.

Women are deprived of basic human rights and must live in constant fear.

The women in Afghanistan do not have a voice in their country, their community, or their home. We, as women in free societies throughout the world, must stand up for women in Afghanistan as their voice and as their sisters.

If we do not want to see repression and ter- rorism continue, we must directly aid Afghan women’s groups and call on the future Af- ghanistan government to involve women in their quest for freedom.

We must condemn these acts of violence and human rights abuses and help our sisters in Afghanistan. I join my colleagues in con- demning the Taliban and its outrageous treat- ment of women in Afghanistan.

IN RECOGNITION OF THE OFFICIAL OPENING OF CONSULATE OF THE SLOVAK REPUBLIC IN KANSAS CITY

HON. KAREN McCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise to recognize the historic October 18 opening of the Consulate of the Slovak Republic in Missouri’s Fifth District. Mr. Ross Marine, the Honorary Consul of the Slovak Republic to the States of Missouri, Kansas, Iowa, and Ne- braska, will receive the Ambassador of the Slovak Republic, the Honorable H.E. Martin Butora, and his wife Zora Butorova.

The Consulate will serve to promote cul- tural, economic, and educational partnerships between the United States and the Slovak Re- public. The Honorary Consul will encourage our expanding community of Slovaks to cele- brate their heritage and culture, thus increas- ing awareness of the diversity of Kansas City’s ethnic communities.

Eduard Kukan, the Slovak Minister of Foreign Affairs, appointed Honorary Consul Ma- rine in September 2001. The United States Department of State granted Honorary Consul Marine approval to establish the Consulate in Kansas City. Honorary Con- sul Marine brings an impressive background of civic, community, and health care service to the position.

Kansas City has a history of partnership with Slovakia. Slovaks established their first community in Kansas City around 1900. Many of them fished the then Austro-Hungarian Empire in search of economic security and better lives for their families. Their hard work led to the growth of the city’s meat packing industry due to the agricultural background of many of these immigrants. Today, descendents of these Slovak immigrants continue to contribute to the fifth district’s economic livelihood and cultural soul. The community keeps their roots alive by participating in the city’s ethnic cul- tural folk festivals performing traditional dances such as the polka, the kola, and the paterka. The premier Slavic Festival in the Midwest, the Sugar Creek Slavic Festival, is an annual June event drawing Slovak musi- cians and dancers from all over the region. This celebration is always a great success since its inception 16 years ago. Representa- tive of the ethnic community in Sugar Creek, Missouri, Mayor Stan Salava proudly traces his roots back to Slovakia, as do many residents of his city.

From 1996 to 1998 Truman Medical Center Corporation, the Missouri Department of Health, the Missouri Hospital Association, and Hope House, a women’s shelter in Independ- ence, Missouri, joined together to focus on do- mestic violence and youth drug abuse in Petrazalka, Slovakia, a district of the nation’s capital city Bratislava. These Missouri institu- tions donated nearly $200,000 to study the problems and create solutions including several media campaigns to inform citizens, to es- tablish a domestic violence center, and to hold many anti-drug forums.

Since its independence on January 1, 1993 as a result of the Velvet Revolution, Slovakia has existed under a democratic government. The new Constitution provides for the same liberties we enjoy in America including free- dom of speech, freedom of religion, and free- dom of assembly. Slovakia has made contin- ued progress in the difficult transition from communism to a market based economy. More than 85 percent of the country’s GDP is the result of private enterprise. Slovakia’s so- cial reform and economic prosperity will con- tinue to expand in the 21st century.

Mr. Speaker, please join me in welcoming Ambassador Butora and congratulating Hon- orary Consul Marine as they officially open the Consulate of the Slovak Republic in my dis- trict.
TRIBUTE TO JOHN L. ANTHONY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and achievements of a man who was a respected business man and civic leader in my congressional district, Mr. John Lee Anthony, who recently passed away at the age of 60.

John was an invaluable member of the El Dorado, Arkansas, community. An esteemed and involved business leader, John served as president, chief executive officer and director of Anthony Forest Products Company, one of the region’s leading timber producers and manufacturers. While maintaining his many responsibilities with the company, he also took time to serve the people of El Dorado in many capacities. He was a director of Simmons First Bank of El Dorado, a director of the El Dorado Boys and Girls Club, a member of the El Dorado Rotary Club, and a director of Bozeman Park.

In addition to his service to Arkansas, John also represented the timber industry in many positions. He served as a director of the American Forest and Paper Association in Washington, D.C., and was a two-time president of the American Institute of Timber Construction in Denver, Colorado.

John Lee Anthony will long be remembered for his important contributions to the timber industry as well as his community. His passing is a great loss not only to those who knew him well, but to the people of El Dorado and all of South Arkansas. My thoughts and prayers are with his wife, Pat, his son, Dr. John Lee Anthony Jr., his daughters, Michele and Andrea, and all his family and friends.

A TRIBUTE TO EVANS METROPOLITAN AFRICAN METHODIST EPISCOPAL ZION CHURCH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. McINTYRE. Mr. Speaker, today I rise to pay tribute and special recognition to Evans Metropolitan African Methodist Episcopal Zion Church on their 200 years of service to the citizens of Fayetteville and Cumberland County, NC.

Founded in 1801 by Mr. Henry Evans, a free black cobbler and Methodist preacher from Virginia, Evans AME Church has played an important role in the spiritual and cultural life for local citizens. From her missions of teaching, nurturing, caring, and growing in the words of God, Evans AME church stands tall as a beacon of hope for all to see.

In establishing this wonderful church, Pastor Evans faced numerous trials and tribulations. But he always overcame them to keep the Word of the Lord alive and well in Cumberland County. Pastor Evans was driven out of Fayetteville on numerous occasions, imprisoned at least three times, and even swam across the icy Cape Fear River to keep preaching the gospel. Pastor Evans’ perseverance finally prevailed in 1802 as town leaders granted him a license to preach.

Mr. Speaker, 200 years later, Pastor Henry Evans’ spirit continues to fill and move the congregation and community of Evans AME Church. I ask that all of my colleagues join me in recognizing this church on this historic occasion, knowing that as their motto states, “We are a friendly church at the top of the hill on Cool Spring Street where visitors are always welcome.”

CELEBRATING TAIWAN’S NATIONAL DAY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. SHAFFER. Mr. Speaker, It is a great honor to rise today to pay tribute to Taiwan on the occasion of its National Day. The people of the United States stand together with the people of Taiwan, who have courageously demonstrated their commitment to democracy. Taiwan is a vibrant, thriving nation and a model for the future—a model characterized by strong economic growth, respect for basic human rights and democratic freedoms.

Taiwan is an important partner of the United States, economically, culturally, strategically, and politically. It is my privilege to congratulate the people of Taiwan as they commemorate their festival of freedom—the National Day of the Republic of China (Taiwan). I am also proud to express the support and best wishes from my colleagues in Congress for Taiwan during this time of celebration.

Taiwan is a true democracy guaranteeing political freedom and civil liberties to its people. I want also to express my gratitude to President Chen Shui-bien and the people of Taiwan who have joined President Bush and the international community in a counter-terror coalition following the September 11, 2001, attack on the United States. President Chen’s government has graciously pledged Taiwan’s resources in helping the United States fight terrorism. President Chen’s pledge of unequivocal support for our nation during these difficult times is a testament to the historically close relationship between the United States and Taiwan.

During this time of rebuilding and remembrance, it is appropriate for us to recognize Taiwan marked its National Day on October 10, 2001. There are many challenges facing Taiwan and America. The United States must continue to encourage productive dialogue between Taiwan and the Chinese mainland to promote peace and security in the region. At the same time, Taiwan must be allowed to participate in international organizations allowing Taiwan’s success to be emulated around the world. On Taiwan’s National Day, I hope Taiwan and the Chinese mainland will one day be in agreement regarding principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asian Pacific Region.

PERSONAL EXPLANATION

HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to my constituent and friend, Elizabeth D. Freeman of Fort Lauderdale, Florida. Elizabeth is the ultimate community volunteer. She has devoted countless hours organizing the private fundraising efforts of the Broward County Library System. As an active member of the Board of Directors of the Broward Public Library Foundation, she has organized their most successful annual event, “The Night of Literary Feasts”. This event brings renowned authors to Fort Lauderdale for a series of small dinners in private homes and a day of lectures open to the public. You can’t say no to Elizabeth, as David Gerkin found out last year.

That unique talent, the power to persuade has made Elizabeth a most sought after member of organizations and committees in our community. Most recently, she has chaired the Opera Ball, served on the Board of Directors of the Fort Lauderdale Historical Society, Miami Heart, the Fort Lauderdale Philharmonic Society and SPARK, the fundraising arm of the Museum of Discovery and Science. She also found time to be an active member of Beaux Arts, organizing events to support the Fort Lauderdale Museum of Art.

Elizabeth Freeman is an individual who can make Elizabeth a most sought after member of organizations and committees in our community. Most recently, she has chaired the Opera Ball, served on the Board of Directors of the Fort Lauderdale Historical Society, Miami Heart, the Fort Lauderdale Philharmonic Society and SPARK, the fundraising arm of the Museum of Discovery and Science. She also found time to be an active member of Beaux Arts, organizing events to support the Fort Lauderdale Museum of Art.

Elizabeth Freeman is an individual who wants to see things accomplished. She usually
is the behind-the-scenes worker bee, working for what she believes in, not seeking recognition of her accomplishments. But I think it is time to recognize Elizabeth's forty plus years of community service. Today, we recognize Elizabeth Freeman for all of her good work and as a representative of a very important segment of our society, the volunteers who give untold hours of their time and energy to improve the quality of life of all of us.

COUNCIL OF KHALISTAN HAS VERY SUCCESSFUL CONVENTION

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. BURTON of Indiana. Mr. Speaker, last weekend, October 6 and 7, the Council of Khalistan held its annual convention down in Atlanta. It was very successful. The organization laid out strategies for liberating the Sikh homeland. Khalistan. The council discussed the political situation then, worked on the concerns of Sikhs here in America, and passed several resolutions. I would like to take this opportunity to congratulate the Council of Khalistan on a successful convention.

Mr. Speaker, freeing Khalistan is an important effort to secure freedom for the Sikh people. America was founded on the principles of freedom and self-determination and these things are the birthright of all people. Yet the response of “democratic” India is to use force to suppress the natural yearning for freedom. India is a land of massive human-rights violations. Secretary Powell is there now and we hope that he can maintain good relations with India and that no violence breaks out. But I also hope he will press the Indian government on its abysmal human-rights record and its record, until very recently, of anti-Americanism. It is holding over $2,000,000 as political prisoners without charge or trial, according to a report by the Movement Against State Repression. Dr. Aulakh, the President of the Council of Khalistan, recently wrote to Secretary Powell urging him to seek the release of these political prisoners during his visit to India.

We should insist on full and active support for our anti-terrorism efforts. We should also insist that India begin to respect basic human rights. If they do not, we should maintain our sanctions on India and cut off its aid. And we should go on record for an end to the terrorism in South Asia by publicly supporting the free and fair plebiscite with international monitoring on the issue of freedom in Punjab, Khalistan, and other parts of the world. Sikh Nationalists have conducted the political struggle, and all the nations that seek their freedom. Only then can real security, freedom, and peace reign in South Asia.

Mr. Speaker, the Council of Khalistan has published a press release on its convention. I would like to place it in the RECORD.

DELEGATES DISCUSS STRATEGIES TO LIBERATE KHALISTAN, PASS RESOLUTIONS FOR KHALISTAN, OTHER SIKH CAUSES

Washington, DC, Oct. 9, 2001—The Council of Khalistan’s annual international convention was held this past weekend in Atlanta, Georgia. It was very successful. A large number of delegates came from around the United States and Canada. The convention honored Khalistan Day, the anniversary of the declaration of independence by the Sikh homeland, Khalistan, which took place on October 7, 1987. The Council of Khalistan was constituted at that time to serve as the government pro tempore of Khalistan and lead its struggle for independence.

The convention mapped out strategy to bring about the liberation of Khalistan. There was much very inspired, energetic, and intelligent discussion on how to move the freedom struggle forward.

Delegates also passed several resolutions, including resolutions demanding a free and fair plebiscite on independence in Khalistan and other parts of the world. The council discussed the political situation then, worked on the concerns of Sikhs here in America, and passed several resolutions. I would like to take this opportunity to congratulate the Council of Khalistan on a successful convention.

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TRIBUTE TO DEBBI HUFFMAN GUTHRIE

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. CALVERT. Mr. Speaker, I rise today to join with the Mt. Rubidoux District California Inland Empire Council of the Boy Scouts of America in saluting Debbi Huffman Guthrie as their Distinguished Citizen of the Year—2001.

Debbi, a lifelong resident of Riverside, California, is a third generation owner of a roofing company established by her grandfather in 1921. As a native Riverside, Debbi attended Ramona High School and California State University, San Bernardino. Debbi Guthrie and her husband have four daughters and four grandchildren.

Debbi Guthrie has been and continues to be a shining example of a person with passion and principles who has strived to have a positive effect upon her local community. Her approach and policy has been a simple one, that a community’s strength comes from just that—the community. We must first start close to home and then radiate out if we hope to have fulfilling lives and impact others.

Debbi Guthrie has unquestionably become a leader in women in her community, whose legacy originates from her company’s history of giving back to the community. Her tireless, engaged action can be seen in an incredible array of community life, including: Trustee on the University of California, Riverside Foundation; President of the River Park Community College/City Task Force; Chair-elect of the United Way of the Inland Valleys; Member of the Executive Committee, Monday Morning Group of Western Riverside County; Chair of the Roofing Apprenticeship Advisory Board; President of the Kiwanis Club of Riverside; and, Trustee on the March Field Museum Foundation.

As a leader among women of the Inland Empire, Debbi has received countless other awards and recognitions, including: 1993 Riverside YWCA’s Woman of Achievement ATHENA Award, 1994 Entrepreneur of the Year/Small Business, Ernst & Young, Inc. Magazine and Merrill Lynch; 1997 United States Small Business Administration District Small Business Person of the Year; 1998 Fellow, University of California, Riverside A. Gary Anderson Graduate School of Management; 1999–2000 Volunteer of the Year, Greater Riverside Chamber of Commerce; 2000 Management Leader of the Year, University of California Riverside A. Gary Anderson graduate School of Management; and, 2001 President’s Award, Greater Riverside Chamber of Commerce.

Volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. Since 1910, the Boy Scouts of America has instilled young men with the drive to “help other people at all times,” and to keep themselves “physically strong, mentally awake and morally straight.” Debbi Guthrie exemplifies these attributes and offers herself as a role model to young men and women, thereby assuring that an active interest in the civic, cultural, social and moral welfare of our communities is passed on from generation to generation.

Debbi Guthrie has gone above and beyond the Boy Scout protocol. I ask of my colleagues in Congress to please join me in honoring Debbi Guthrie for her courage, innovation, and commitment to the youth of tomorrow as she is recognized on October 20th.
ON THE INTRODUCTION OF THE TECH TALENT ACT, H.R. 3130

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. LARSON of Connecticut, Mr. Speaker, it is no secret that America has long recognized that a strong and well-trained work force is critical to our economic growth and security. It is in this context that we find ourselves struggling with a critical shortage of professional personnel in scientific and technical fields.

Steps have been taken recently to address this shortfall through legislation, which has been justified on the need to maintain America’s competitiveness. While some are hopeful that an increase in funding is on the horizon, there is a need for a long-term fix to this problem. Several bills are currently before the House that attempt to address this problem.

One of those bills is the Tech Talent Act, introduced by Representative Tim Brown of Oregon. The bill seeks to address the shortage of scientists and engineers in the long term by offering incentives to universities and community colleges.

Under the bill, universities and community colleges that participate would be eligible for grants to increase the number of students pursuing degrees in science, math, engineering and technology. The grants would be awarded for three years, with a maximum of $25 million.

I commend Representative Brown and the many other members of Congress who are working to address this critical issue. The bill is a necessary step in ensuring that America remains competitive in the global marketplace.

The competition for talent is not just domestic. We must also compete with other countries to attract and retain the best and brightest minds.

Therefore, today, I encourage my colleagues to support the Tech Talent Act and take the necessary steps to address this critical shortage.
be implemented for Afghan women and children; and Afghan women should play a leadership role in rebuilding the country.

HONORING JOE DESCH AND THE NCR CODE-BREAKING EFFORT

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. HALL. Mr. Speaker, at a ceremony on October 19, 2001, the Institute of Electrical and Electronic Engineers (IEEE) will designate as a “Milestone in Engineering” the U.S. Naval Computing Machine Laboratory, in Dayton, Ohio, which I represent.

During World War II, the ability to analyze quickly coded enemy messages was one of our most critical military capabilities. To build a machine that could break codes from Nazi submarines, the Navy turned to Dayton’s National Cash Register Company (NCR) and Joseph R. Desch, director of its Electrical Research Laboratory.

For three years, Desch and his team of dedicated workers developed a machine which allowed our Nation to crack the secret code used by the Nazi military command to communicate its secret plans to its forces in the field. The device, called a Bombe, was the military’s highest priority, second only to the development of the Atom Bomb. Its success gave the Allies a significant advantage, hastening the end of the war and saving the lives of American soldiers.

Desch’s work was never forgotten because of the enormous secrecy surrounding the project. In February and March 2001, the Dayton Daily News ran an extraordinary 8-part series by Jim DeBrosse about Desch. The series brought to light for the first time much information about NCR’s code-breaking efforts. The IEEE ceremony later this month will bring additional honor to his memory.

Perhaps the greatest tribute to the memory of Joe Desch and his contribution to the war effort would be the permanent display of an original NCR Bombe in Dayton. Of the more than 120 Bombes that were believed to have been constructed in Dayton, the sole known surviving Bombe is displayed at the National Security Agency’s National Cryptologic Museum in Ft. Meade, Maryland. I have been in touch with the National Security Agency requesting assistance in tracking down another example of this extraordinary invention.

As part of the IEEE ceremony, the surviving members of this top-secret project will return to the site of the U.S. Naval Computing Machine Laboratory, at NCR. They will be joined by Desch’s daughter, Debbie Anderson, whose presence has helped the story be told.

I offer my congratulations on this award to all the survivors of the project and to Debbie Anderson in honor of her father.

TRIBUTE TO THE NATIONAL AFRICAN-AMERICAN CHRISTIAN SINGLE-CONFERENCES

HON. KEN BENSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. BENSEN. Mr. Speaker, I rise today in recognition of the 15th Annual African-American Christian Singles Conference being held October 19–21, 2001, at the J.W. Marriott and Exhibition Center in Houston, Texas.

Under the leadership of Pastor Joe Samuel Ratliff, the Singles Ministry of Brentwood Baptist Church of Houston will serve as the official host of the conference. Dr. Joe Samuel Ratliff has been the pastor of Brentwood Baptist Church since 1980. Under his direction the congregation has grown from 500 members to more than 10,000. He has lead the congregation in developing fourteen mission churches in various parts of the Houston metropolitan area.

In 1986, Pastor Ratliff, founded the first National African-American Christian Singles’ Conference. The Conference is a non-denominational event designed to address the needs and concerns of single Christian adults. Through the tireless efforts of the congregation, the conference has grown each year since its creation. It now attracts more than 1,000 singles from across the nation, and as far away as England, Germany, and Africa.

The National African-American Christian Singles Conference demonstrates Brentwood Baptist Church’s commitment to promoting Christian singleness and facilitating an environment for spiritual and cultural expression. The focus of this year’s conference is “Growth through Evangelism, Stewardship, Prayer, and Praise.” This powerful weekend provides Christian singles an opportunity to become empowered, enriched and encouraged to face the challenges before them. The conference itinerary includes speakers on topics such as faith based initiatives within the community, financial stability, and neighborhood enrichment programs.

Brentwood Baptist Church has developed a Community Foundation which has made tremendous strides in the efforts to improve the quality of life in the Houston area. The Brentwood Community Foundation is a catalyst that works to ensure that the community and its neighbors through programs in the arts, education, economic development, health care, and social services.

Through its exemplary model of community activism, Brentwood Baptist Church has earned the respect and praise of its neighbors.

Again, I would like to recognize the 15th Annual National African-American Christian Singles Conference and congratulate the congregation on their exceptional service to the greater Houston area.

HONORING CU PROFESSOR TIM SEASTEDT FOR WEED CONTROL RESEARCH

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important work of University of Colorado Professor Tim Seastedt in weed control research. Professor Seastedt’s exciting and path-breaking research on using insects and soil chemistry to control the spread of noxious, non-native plants holds promise in addressing a vexing—and spreading—problem, especially on our western lands.

Professor Seastedt’s work was recently recognized through a $280,000 grant awarded to him by the U.S. Department of Agriculture to continue his work of examining the soil chemistry of diffused knapweed and devising a way to develop soil nutrients that kill or hamper the growth of this problem weed in Colorado and elsewhere. Through this grant and his existing work on the role of insects in controlling the spread of weeds, Professor Seastedt is demonstrating that we can address our weed problems and do so in an effective and environmentally sensitive manner.

The nature and extent of the weed problem in the west is dramatic and serious. In Colorado alone, there are 85 species of weeds that are taking root in millions of acres of rangeland, have displaced nearly 10 percent of the native plant species and destroyed habitat for bighorn sheep and other wildlife, and caused upwards of $100 million in lost crop productivity annually. Similar impacts exist in many other states.

Weeds get here and take hold for a host of different reasons. In the case of diffused knapweed, it is theorized that this plant came over from Europe imported alfalfa crops. But no matter how they get here, once these plants take hold they are very hard to eradicate. In North Dakota, for example, where an otherwise valuable plant—leafy spurge—is a particularly bad problem, the state has been spending nearly $100 million a year to control it. Such controls involve everything from herbicides, mowing, hand-pulling, and the use of grazing animals such as sheep—all to little or no effect. The plants keep coming back. In addition, some of these methods, such as the spraying of chemical herbicides, are controversial as they may be harmful to the environment.

That’s where Professor Seastedt’s work comes in. Given the cost, low-effectiveness and environmental costs of traditional methods, Professor Seastedt and his researchers began looking for better methods. He latched on to insects. For example, in the case of diffused knapweed, Professor Seastedt found that a number of species of weevil feed upon the roots, stems, seeds and flowers of this plant. So, he released a swarm of them in test plots along Colorado’s Front Range, an area especially hard hit by this weed. The result: where there once were 30 stems of diffused knapweed per square meter, there now are hardly any at all. And native plants—rodents and plants, who are not susceptible to the weevils, are now making a strong return.

This story is being copied in North Dakota with the leafy spurge. There is a species of insect called flea beetles that seems to thrive on this weed with the result of reducing by half the acreage that has been affected there. This insect is now being used to control the leafy spurge problem at Colorado’s Cherry Creek State Park, which has resulted in a 60 percent reduction of the growth of this weed at this popular state park.

Insects are thus proving to be an exciting tool in our arsenal against weeds. The other weapon is the new research on soil chemistry. Professor Seastedt has been studying the soil
conditions that are favorable to diffused knapweed. He has found that some nutrients are more favorable to this plant than others. Armed with this knowledge, it may be possible to use natural elements of the soil to enhance the growth of favorable plants and retard the growth of ones like diffused knapweed. The grant from the U.S. Department of Agriculture will help him continue this research.

Professor Seastedt’s success in this regard will further help restore the health of our lands, increasing our productivity, and enhance the quality of life in the west. I look forward to the continuing work of Professor Seastedt and his researches on combating weeds.

(From Westword, Aug. 9–15, 2001)

Weed Whacker!

TIm SEASTEDT TAKES NO PRISONERS IN THE WAR AGAINST KNAPEW

(By Harrison Fletcher)

Tim Seastedt is at war. His enemy is a drifter, voracious and cruel, striking swiftly. By 1997, this spindly forb had ravaged more than three million acres of rangeland in the West and fought off assaults by ravenous goats, chemical agents and fires. The rangeland, starved for nutrients, had become a Wilted wasteland. Seastedt started his scientific career as a zoologist in Montana, tagging grizzly bears. But he longed to be associated with them. When fighting weeds, Seastedt says, yanking a droopy weed from the pasture, “We’re just nothing here to support the final product. Next year, I’m not sure there will be knapweeds here.” With the knapweed in full retreat, native plants will be free to take their place. Some already have.

“When we started, you could hardly find June grass here,” Seastedt says. “And when you did it, was just these tiny clumps. Now there will be knapweds here. And when the chemical spray is on, you get these wimpy little plants. Roots have already been hit. Seedheads are empty. They’ve been defoliated. Larinus has done its damage. The gull flies have been doing their thing, it’s just not enough to support the final product. Next year, I predict 90 percent restored prairie. And the 10 percent of the stuff that is here will be grazed to the ground.”

Even if the bugs are successful, Seastedt believes that the ultimate way to beat diffuse knapweed is to understand why it has flourished in Colorado—and then reverse the process. His new mission is to do just that on the land outside Superior. Here is Seastedt’s theory. Diffuse knapweed has been able to thrive in Colorado because, among other things, changes in the soil over the past 150 years have given the weed a competitive edge. First, the rangeland has been grazed continuously, and plants that might have offered competition have been repeatedly nibbled. Second, fires are frequently limited, and fires cleanse the soil of nutrients that weeds love, including nitrogen. In fact, scientists have discovered that one of the fastest ways to turn healthy grasslands into weed fields is to add nitrogen. And nitrogen, as it turns out, is the third factor: Nitrogen levels have been rising steadily in the soil, in part because of increases in atmospheric deposits.

Seastedt wonders: Can scientists reverse the process? Can they tinkering with soil chemistry or restoring native vegetation help the pre-knapweed condition? And if they succeed, will it blunt the weed’s competitive edge? Will it bring back healthy native plants and grasses?

To find out, Seastedt and researchers Katie Suding and Kate LeJeune cordoned off certain plots of the west prairie grass. Plants that were particularly pepper grass, which grew in thick bunches loved it. But diffuse knapweed stayed more or less unchanged.

Integrating the research, they thought. Perhaps nitrogen wasn’t so vital to knapweed after all. Perhaps another nutrient determined whether the weed would live or die. In other words, the product of the warp micropoop—phosphorus is a key nutrient; perhaps knapweed needed phosphorus. So they added...
PHOSPHORUS, and while other plants stayed more or less unchanged, diffuse knapweed bulked up like a linebacker on steroids.  

Interesting, the researchers thought. Diffuse knapweed liked phosphorus; the phosphorus would prove knapweed’s Achilles heel.

So they tinkered some more, adding phosphorus and nitrogen, removing phosphorus and nitrogen, pulling knapweed from some plots and leaving knapweed in others. Although it’s too early to tell what the results of this summer’s experiments will be, they think they’re on the right track. In May, they were awarded a $280,000 federal grant. Now if they can find the right mix of phosphorus, nitrogen or some other nutrient, they might be able to tip the balance away from knapweed and toward native plants and grasses.

"Once native grasses are happy and healthy again, we think they are capable of greatly reducing knapweed," Seastedt says.

No matter how successful his experiments, Seastedt doesn’t believe diffuse knapweed will ever be completely eradicated. In fact, he doesn’t think weed managers should even try. All they can hope is to reduce the weed to a level that allows native plants and grasses to return. "What I’d like to see is a prairie dominated by the vegetation we want to be there: native plants giving the maximum potential to express diversity," Seastedt says. "If that means 1 or 2 percent cover by diffuse knapweed, that wouldn’t bother me at all. It would be just like the dandelion. And if we can get knapweed to be like a dandelion, then we’ve done our job."

PATRIOT ACT OF 2001  
SPEECH OF  
HON. CAROLYN B. MALONEY  
OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES  
Friday, October 12, 2001

Mrs. MALONEY of New York. Mr. Speaker, I am happy that last Friday this body voted and passed an Anti-terrorism bill.

However, instead of bringing to the floor the legislation reported out of committee. Legislation that was crafted in a bi-partisan manner and voted on unanimously. Instead of bringing that language to the floor for a vote, we were forced to take an out-of-order vote on that was taken off the printer that morning.

The process by which this body is supposed to conduct its business was disrupted and I along with some of my colleagues were mis-informed about the exact content of the bill that was brought to the floor at 8:00 that morning.

I inadvertently reported that the provision increasing the funding for the fallen public safety officers was not included. This provision was indeed included in the legislation that passed the House.

I am happy that the families of the men and women who lost their lives in the attempt to save others have our support during a time when they need the most help.

I have just one great concern about the manner in which this body conducted business on Friday.

Preparing for one bill only to have legislation brought to the floor for debate before anyone can carefully read and analyze its provisions, is irresponsible and dangerous.

I hope that in the future this body will return to conducting its business in a responsible and respectful manner.

HIGH-DEPLOYMENT PER DIEM/ OVERTIME  
HON. CYNTHIA A. MCKINNEY  
OF GEORGIA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, October 17, 2001

Ms. MCKINNEY. Mr. Speaker, it was expected that later this week we would be taking up an economic stimulus bill. I’ve heard about all sorts of benefits being included, from loan guarantees and tax cuts, to increasing health insurance and unemployment resistance. However, one un-stimulating provision was imposed by President Bush last week.

As Congress deemed fit last year, each branch of the military was to count the days each service member was deployed, and to pay them a high deployment per diem of $100 per day for each day over 400 days in two years that they are deployed. On October 8, the Pentagon suspended this pay.

As we send our sons and daughters overseas to participate in our war in Afghanistan, why should we give them overtime pay? More than any other period in their service, we are asking more of them—to be in harms way, to be away from their families, to be in the greatest service to our nation. This is when they are truly earning overtime.

Mr. Chairman, please, our soldiers and women need to know that we support them and that their service is important to our nation, and we need to support their morale. While we pass tax cuts for corporations and increase benefits for the unemployed, we must assist and applaud our service personnel as well. We must pay our service men and women the overtime they are owed. I don’t think anyone disputes that they have earned it.

SIXTH DISTRICT IS HOME TO NEW NAHU PRESIDENT  
HON. HOWARD COBLE  
OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, October 17, 2001

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is proud to report today that one of its own has been elected as the new leader of a national industry association. I rise today to bring to the attention of my colleagues the inauguration of the new president of the National Association of Health Underwriters, Bynum Tuttle, a friend and constituent of mine from Denton, North Carolina.

I was delighted to learn of Bynum’s new position not only because it is the capstone of a remarkable career in service to his clients, but also because he is one of the friendliest people I know.

A graduate of North Carolina State University, Bynum began his health insurance career in 1978 with Pilot Life Insurance Company in Greensboro with a large territory including portions of northwest North Carolina, Virginia and West Virginia. A true entrepreneur at heart, he soon decided to open his own brokerage firm in Greensboro.

Bynum’s dynamic leadership with the North Carolina Association of Health Underwriters soon became obvious to his peers, and he rapidly rose to the presidency of the state association. From there, he quickly earned the trust of the NAHU leadership and assumed new responsibilities and opportunities to serve across the country. With his experience has come the wisdom to know that to lead, which he says is “influence—nothing more, nothing less,” to serve the needs of others.

In these difficult times, Mr. Speaker, we will be called upon, in many small ways, to do great things for our country. Under Bynum’s leadership, I believe we can count on the expertise and support of NAHU and its membership. The Sixth District of North Carolina is proud to say that one of its own—Bynum Tuttle—will now lead the new leader of the National Association of Health Underwriters.

100TH ANNIVERSARY OF THE CAPUCHINS IN GUAM AND HAWAII  
HON. ROBERT A. UNDERWOOD  
OF GUAM  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, October 17, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate the Capuchin friars of the Province of Star of the Sea as they celebrate their centennial anniversary of Capuchin presence in the Pacific. For the past 100 years, Capuchin friars have tended the faithful in our area through mission work, construction of churches, administration of parishes, establishment of parochial schools and the promotion of language and culture.

This extraordinary religious community trace their origins from the friars of the mendicant order in the sixteenth century. Some members came to seek a lifestyle closely resembling the one lived by St. Francis himself and were gradually drawn together to form the distinct branch of the Order we now know as the Capuchins.

Many of the first Capuchins were attracted to contemplative prayer in hermitages, which they soon combined with traveling and preaching. During the sixteenth and seventeenth centuries, Capuchin friars came to be known as some of the most effective preachers and missionaries the world had ever seen. In their preaching, they refrained from artificial oratory and set forth their message with simplicity and directness which came from the heart. In accordance with the example set forth by St. Francis, the friars also became dedicated to the all-embracing charity.

At present about 12,000 members of the Capuchin community live and work in every part of the world. One third of the friars tend to the faithful in underdeveloped countries. In the words of Pope John Paul II, the Capuchins live “a truly brotherly life based on simplicity and evangelical charity, open to the meaning of the universal brotherhood of all people and indeed of all creatures.

The arrival of the Capuchins on Guam in 1901 signaled an unprecedented growth and restructuring of the island’s church and administration. At the time, Fr. Jose Palomo, the first Chamorro to be ordained to the priesthood, was the sole Catholic cleric on the island due to the eviction of Spanish Augustinian Recollect priests in 1899 following the American takeover of Guam. Fathers Luis de Leon, Vicente de Larraona and Brother Samuel de

E1916

CONGRESSIONAL RECORD — Extensions of Remarks  
October 17, 2001
FREEDOM TO TRADE ACT
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. GILMAN. Mr. Speaker, today I introduce the Freedom to Trade Act, which promotes tolerance, understanding and respect by prohibiting United States nationals, permanent resident aliens, or United States Government agencies from entering into agreements with foreign persons who prevent or inhibit a United States business from undertaking a commercial activity, or otherwise discriminate against the business, on the basis of the religious beliefs, practices or associations, sexual orientation, race, or gender of an individual associated with the United States business. Furthermore, this legislation also prevents US nationals, permanent resident aliens, or US Government agencies from entering into agreements to provide loans, guarantees, credit or other avenues of financing to such foreign persons that discriminate against US businesses for the above stated reasons, in addition to instructing the Secretary of the Treasury to form the United States Executive Director of each financial institution to use the voice and vote of the United States to oppose any assistance from that financial institution to any foreign person that engages in the aforementioned discriminatory behaviors and practices. The horrific acts of terrorism perpetrated against the people of the United States on September 11th by evil doers who seek to threaten and damage our way of life and a direct affront and attack on our compassion, tolerance and understanding of the vast cultural, religious and ethnic diversities that comprise the great people of our nation! In our time of crisis the people of our United States have taken a heightened interest in the importance of protecting human rights. Safeguarding human rights, for all, deserves all the attention we devote to them.

The question of freedom of religion is a matter of deep, personal concern to me. More than just a personal concern, it is one which most Americans share. Freedom from discrimination as set forth in my legislation includes protections of religious beliefs, practices and association are values that are inherent to free people. Our neighbors living in our global neighborhood must share in these values. As recent events throughout the world reveal, not everybody does. We must make certain that we do and that the world share our respect for human rights. The right to religious freedom and to be free of rampant discrimination is something which should never be taken for granted. It is a fragile and precious proviso that must be guarded against impositions at all times. This can be done through participation in the work of international organizations and through continuation of an international dialogue on human rights, through teaching tolerance, mutual understanding and through cooperation. For those who choose to discriminate, the international community can have the teeth to punish the transgressors.

Discrimination and suppression of religious rights is all too common in totalitarian states and regimes. Nations such as China, Iran, Sudan, Vietnam, as well as the brutal and intolerant Taliban regime in Afghanistan are just a few of the transgressors. In China, Falun Gong has suffered severe repression and persecution. Despite the popular appeal of this movement and despite its peaceful means, the Chinese regime continues to see Falun Gong as a threat, and to treat them as such. At the same time, China has pursued a brutal and despicable policy of repression towards its religious minorities. The bill serves as an example for any government that tries to suppress religious freedom. It also presents a framework for further advancement towards freedom, human rights, and the rule of law.

Together with the Office on International Religious Freedom and through my work on the International Relations Committee we have managed to bring the world’s attention to these issues. I have strong feelings that under the guidance of the International Religious Freedom Act and the universal declaration of human rights the world is becoming a less discriminating place. The Department of State’s Bureau of Democracy, Human Rights and Labor spread an anti-religious intolerance throughout Europe.” In Austria, in Germany, and in Belgium, the governments use the same discriminatory methods of registration. Their practice of designating minority groups “sects” or “cults” is clearly a violation of universal human rights.

The International Covenant on Civil and Political Rights, recognizes the right of every human being to “have or to adopt a religion of his choice, and either individually or in community with others and in public and private, to manifest his religion or belief in worship, observance, practice and teaching. . . .” The signatories have pledged “not to discriminate on the basis of religion.” With 144 signatories to the covenant, it is part of the body of law that we commonly refer to as International Law, and it is incumbent upon the international community to enforce such laws.

The House International Relations Committee has held numerous hearings on religious intolerance throughout the world. The Ambassador for International Religious Freedom has testified before the International Committee a number of times. There’s a growing awareness with U.S. officials of the need to add pressure to the governments around the world on this issue. We are hearing from a number of countries that the Secretary of State has assessed “countries of particular concern” under the International Religious Freedom Act is disheartening.
During our hearings, the members of the International Relations Committee stated that they will support legislative restrictions on the entry into the United States of foreign government officials associated with repression of religious rights; this legislation makes our assertions a reality, and further extends protected freedoms from discrimination to other categories.

Mr. Speaker, the question is, what can Americans do to help uphold values of tolerance, human rights and dignity in foreign countries— especially in nations which are our friends and allies. I believe, that the Freedom to Trade Act is a necessary safeguard to protect our people from religious intolerance and other forms of discrimination wherever it rears its ugly head. For these and many other reasons I urge my colleagues to support the Freedom to Trade Act, and together we can take the necessary steps to eradicate the evils that seek to destroy the free world.

ST. MARY OF CZESTOCHOWA CHURCH CELEBRATES 100 YEARS

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 17, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th anniversary of the founding of St. Mary of Czestochowa Roman Catholic Church of Nanticoke, Pennsylvania, which will be celebrated on October 21.

At the turn of the last century, an increase in the Polish Catholic population led to the need for a third church in the Nanticoke area. The original church was a simple wooden structure located at the corner of Hanover and Grove streets. It was home to a congregation of approximately 500 parishioners, although an estimated 2,000 people worshipped there.

Near the fifth year to the day of its dedication, the first church was destroyed by fire. Under the leadership of the first resident pastor, Rev. Adolph E. Nowicki, a new church was built at the corner of Hanover and Field streets and was blessed and dedicated soon thereafter.

St. Mary’s present pastor, Rev. John S. Krafchak, is the eighth pastor to serve the parish, having served since 1983. He also served as assistant pastor at St. Mary’s from 1960 to 1966. During his 18 years as pastor, Father Krafchak has continued to support the efforts of the church’s organizations, the spiritual needs of the congregation and the material upkeep of the parish.

Father Krafchak’s first major undertaking was the construction of a new rectory, which was completed in 1986. It was also around that time that air conditioning was installed in the church. With the 1988 consolidation of all the parish schools in the Nanticoke area into Pope John Paul II School, St. Mary’s school became the home of Head Start, a federal pre-school program offered to Nanticoke-area children ages 3 and 4 from low-income families. St. Mary’s has also teamed with St. Stanislaus Church to promote the Renew 2000 program, a parish renewal endeavor to foster spiritual growth among their parishioners. The parishes have also held consolidated Confraternity of Christian Doctrine classes since 1996.

In preparation for this year’s 100th anniversary, the interior of the church was painted and refurnished with carpeting and most significantly, an imported replica of the famous Our Lady of Czestochowa image, measuring more than 7 feet in height, was placed on the wall above the main altar. The church organ was also reconditioned to return it to most of its original musical capabilities.

One of the portions of St. Mary’s history of which the parishioners can be most proud is that the parish has been the mother of 39 vocations, 18 to the priesthood, 20 to the sisterhood and one to the deaconate. The parish also acknowledges the dedication of another parishioner, Henry Golish, who aspired to the priesthood but was called to his eternal rest before finishing his preparatory studies.

Over the past 100 years, St. Mary’s has seen the formation of the following organizations, most of which are still flourishing today: St. Cecilia’s Choir, Blessed Virgin Mary Sodality, the Holy Name Society, the Sacred Heart Society, Third Order of St. Francis, Purgatorial Society, the Catholic Council of Women and the Usher’s Club. These organizations have helped unite many parishioners throughout the years toward a common cause of service to God and the Church.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 100 years of dedication, faith and good works of the people of St. Mary’s Church, and I wish them all the best.

SUPPRESSION OF WOMEN IN AFGHANISTAN

HON. SUSAN DAVIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 16, 2001

Mrs. DAVIS of California. Mr. Speaker, prior to the Soviet occupation in 1979 Afghanistan was a country on the path to modernization. Afghan women were doctors, lawyers, judges,
civil servants, in short, they were a vital aspect of Afghan society.

Women were active members of society. They attended universities. They had the right to vote. They participated in many sectors of the work force. However, decades of war, drought, famine, and oppression have taken a hefty toll on the entire population, and women in particular.

In a country where women were once equal and respected members of society, they are now shrouded into silence. Life for women in Afghanistan no longer exists. They live in seclusion, unable to interact with others.

In 1996, a now notorious regime known as the Taliban moved into the capital city of Kabul and began imposing their strict moral code. The Afghan people awoke one morning to find that their lives had been changed overnight. The Taliban announced the imposition of their new rules over Afghanistan’s national radio.

Women were no longer allowed to work or attend school. Women were no longer permitted to leave their homes without a male relative. If they were caught outside without the accompaniment they were lashed with whips. Women were no longer allowed to wear nail polish. If they did, their fingernails would be pulled out. Making excessive noise when walking was also grounds for punishment.

Afghan women have lived under this magnitude of oppression for five years now, and it has taken its toll. Depression and suicide rates in Afghanistan have dramatically increased. Previously, suicide was virtually unheard of, now many women see it as the only means to end their suffering. Some women are choosing to end their lives by drinking a caustic soda, a solution that causes severe pain and takes three days to take effect.

I know of one Afghan woman named “Rozia” who managed to escape Kabul and find refuge in America. She left Afghanistan after her husband was taken away and subsequently killed by the Taliban. His only crime was that he did not subscribe to the Taliban mentality. She was forced to flee her homeland with her four young children, eventually making her way to San Diego.

She is one of the lucky few that has managed to escape. However, even in America she is frightened to speak out against the Taliban in fear that they will punish her remaining family members in Kabul.

The plight of the Afghan women under the oppressive hand of the Taliban has been going on for over five years. These egregious violations of human rights must end. In addition, the women of Afghanistan—freed from this oppression—must have an opportunity to play a role in the rebuilding of a more open society. Only then will Afghan children grow up believing life holds something besides being a freedom fighter or a terrorist.

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TRIBUTE TO RUSH LIMBAUGH

SPEECH OF
HON. SUE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 16, 2001

Mrs. MYRICK. Mr. Speaker, Rush Limbaugh is an inspiration to all of us. Although he is facing a personal challenge, it is not stopping him from continuing to be a champion for our cherished way of life. Rush has been a strong voice for freedom, free enterprise and our military during this difficult time in history. I salute you, Mr. Limbaugh. You’re a great American.
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 18, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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HIGHLIGHTS

The House and Senate passed H.J. Res. 69, Making Continuing Appropriations for FY 2001 through October 31.
The House and Senate agreed to the conference report on H.R. 2217, Interior Appropriations.
The House agreed to the conference report on H.R. 2904, Military Construction Appropriations.

Senate

CHAMBER ACTION

Routine Proceedings, pages S10779–S10803

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1559–1563, and S.J. Res. 26.

Measures Reported:

S. 1550, to provide for rail safety and security assistance.

Measures Passed:

Tomas G. Masaryk Memorial: Senate passed H.R. 1161, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia, clearing the measure for the President.

President John Adams Commemorative: Senate passed H.R. 1668, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy, clearing the measure for the President.

Fort Clatsop National Memorial Expansion Act: Senate passed S. 423, to amend the Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon”, after agreeing to committee amendments.

Golden Gate National Recreation Area: Senate passed S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, after agreeing to committee amendments.

Pu'uhonua O Honaunau National Historical Park Addition Act: Senate passed S. 1057, to authorize the addition of lands to Pu’uhonua o Honaunau National Historical Park in the State of Hawaii.

Great Smokey Mountains Natural Gas Pipelines: Senate passed S. 1097, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smokey Mountains National Park, after agreeing to the following amendment proposed thereto:

Reid (for Bingaman) Amendment No. 1903, in the nature of a substitute.

Grand Teton National Park Land Exchange Act: Senate passed S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Reid (for Thomas) Amendment No. 1904, in the nature of a substitute.

Great Falls Historic District Study Act: Senate passed H.R. 146, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, clearing the measure for the President.

Eight Mile River Wild and Scenic River Study Act: Senate passed H.R. 182, to amend the Wild
and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, clearing the measure for the President.

**Taft National Historic Site Boundary Adjustment Act:** Senate passed H.R. 1000, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, clearing the measure for the President.

**Continuing Appropriations:** Senate passed H.J. Res. 69, making further continuing appropriations for the fiscal year 2002, clearing the measure for the President.

**Adjournment Resolution:** Senate agreed to H. Con. Res. 251, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

**Foreign Operations Appropriations—Agreement:** A unanimous-consent agreement was reached providing that the vote on the motion to close further debate on the motion to proceed to consideration of the bill, scheduled to occur at 11 a.m. today, will now occur at 10 a.m., on Tuesday, October 23, 2001.

**Interior Appropriations—Conference Report:** By 95 yeas to 3 nays (Vote No. 304), Senate agreed to the conference report on H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, clearing the measure for the President.

**Military Construction Appropriations Agreement:** A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, at 10:30 a.m., on Thursday, October 18, 2001, with a vote on adoption of the conference report to occur thereon at 11 a.m.

**Messages From the President:** Senate received the following messages from the President of the United States:
- Transmitting, a draft of proposed legislation entitled “Freedom to Manage Act of 2001”; to the Committee on Appropriations. (PM–47)
- Transmitting, pursuant to law, a report relative to the continuation of emergency with respect to significant narcotics traffickers centered in Colombia; to the Banking, Housing, and Urban Affairs. (PM–48)
- Transmitting, pursuant to law, the periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia; to the Banking, Housing, and Urban Affairs. (PM–49)

**Messages From the House:**

**Measures Referred:**

**Measures Placed on Calendar:**

**Executive Reports of Committees:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Amendments Submitted:**

**Notices of Hearings/Meetings:**

**Record Votes:** One record vote was taken today. (Total–304)

**Adjournment:** Senate met at 10 a.m., and adjourned at 5:19 p.m., until 10 a.m., on Thursday, October 18, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S10803.)

**Committee Meetings**

(Committees not listed did not meet)

**NOMINATIONS**

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Susan Schmidt Bies, of Tennessee, and Mark W. Olson, of Minnesota, each to be a Member of the Board of Governors of the Federal Reserve System,
after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items: S. 1550, to provide for rail safety and security assistance; and The nominations of Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology, John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy; and certain pending nominations in the U.S. Coast Guard.

Also, committee approved committee’s rules of procedure for the 107th Congress.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings on the nominations of William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency, and Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service, Department of the Interior, after the nominees testified and answered questions in their own behalf. Mr. Baxter was introduced by Senator Thompson, and Mr. Williams was introduced by Senator Roberts.

ANTI-TERRORIST CAMPAIGN

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the international campaign against terrorism from Marc Grossman, Under Secretary for Political Affairs, and William Joseph Burns, Assistant Secretary for Near Eastern Affairs, both of the Department of State.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Brian E. Carlson, of Virginia, to be Ambassador to the Republic of Latvia, Joseph M. DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia, Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Finland, John Malcolm Ordway, of California, to be Ambassador to the Republic of Armenia, John N. Palmer, of Mississippi, to be Ambassador to the Republic of Portugal, and Clifford M. Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands, after the nominees testified and answered questions in their own behalf. Ms. McElveen-Hunter was introduced by Senator Helms, Mr. Palmer was introduced by Senators Lott and Cochran, and Mr. Sobel was introduced by Senators Torricelli and Smith (OR).

BIOTERRORISM PREPAREDNESS

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine Federal efforts to coordinate and prepare the United States for bioterrorism, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services; Michael D. Brown, Acting Deputy Director and General Counsel, Federal Emergency Management Agency; Deborah J. Daniels, Assistant Attorney General, Office of Justice Programs, Department of Justice; Henry L. Hinton, Jr., Managing Director, Defense Capabilities and Management, General Accounting Office; Anna Johnson-Winegar, Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense; Maureen E. Dempsey, Missouri Department of Health and Senior Services, Jefferson City; Margaret A. Hamburg, Nuclear Threat Initiative, and Amy E. Smithson, Henry L. Stimson Center Chemical and Biological Weapons Non-proliferation Project, both of Washington, D.C.; and Gary W. McConnell, Georgia Emergency Management Agency, Atlanta, on behalf of the National Emergency Management Association.

IMMIGRATION CONTROLS

Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine effective immigration controls to deter terrorism, focusing on strengthening border security, screening foreign nationals, monitoring foreign students, operation of a comprehensive data sharing system between allies and other countries, implementation of an automated exit/entry system, and the use of biometric identification technology, after receiving testimony from Mary A. Ryan, Assistant Secretary for Consular Affairs, and Lino Gutierrez, Acting Assistant Secretary for Western Hemisphere Affairs, both of the Department of State; James W. Ziglar, Commissioner, Immigration and Naturalization Service, Department of Justice; Jeanne A. Butterfield, American Immigration Lawyers Association, and Demetrios G. Papademetriou, Migration Policy Institute, both of Washington, D.C.; and Richard E. Norton, International Biometric Industry Association, Fairfax, Virginia.

BUSINESS MEETING

Committee on Small Business: Committee ordered favorably reported the nomination of Thomas M. Sullivan, of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration.
INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters. Also, held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 3148–3159; and 3 resolutions, H.J. Res. 69; H. Con. Res. 251, and H. Res. 269 were introduced. Page H7127

Reports Filed: Reports were filed today as follows:

Filed on Oct. 16, H.R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements, amended (H. Rept. 107–249 Pt. 1);

H.R. 3004, to combat the financing of terrorism and other financial crimes, amended (H. Rept. 107–250, Pt. 1); and

H.R. 3090, to provide tax incentives for economic recovery, amended (H. Rept. 107–251). Page H7127

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shimkus to act as Speaker pro tempore for today. Page H6921

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. George Dillard, Peachtree City Christian Church of Peachtree City, Georgia. Page H6921

Journal: The House agreed to the Speaker’s approval of the Journal of Tuesday, Oct. 16 by a recorded vote of 365 ayes to 34 noes, Roll No. 392. Page H7098

Suspension Financial Anti-Terrorism Act: The House agreed to suspend the rules and pass H.R. 3004, amended, to combat the financing of terrorism and other financial crimes by a yea and nay vote of 412 yeas to 1 nay, Roll No. 390. The bill was considered pursuant to the order of the House of Oct. 16. Pages H6924–44


Subsequently, the House insisted on its amendment to S. 1438, and asked for a conference with the Senate. The House then agreed to the Skelton motion to instruct conferees to agree to the provisions contained in section 652 of the Senate bill, relating to Survivor Benefit Plan eligibility of survivors of retirement-ineligible members of the uniformed services who die on active duty.

Appointed as conferees: From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Chairman Stump and Representatives Hunter, Hansen, Weldon of Pennsylvania, Hefley, Saxton, McHugh, Everett, Bartlett of Maryland, McKeon, Watts of Oklahoma, Thornberry, Hostettler, Chambliss, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meehan, Underwood, Allen, and Snyder.

Appointed as conferees: From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Chairman Goss and Representatives Bereuter, and Pelosi.

From the Committee on Education and the Workforce, for consideration of secs. 304, 305, 1123, 3151, and 3157 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference: Representatives Castle, Isakson, and George Miller of California.

From the Committee on Energy and Commerce, for consideration of secs. 314, 316, 601, 663, 3134, 3141, 3143, 3152, 3153, 3159, 3171–3181, and 3201 of the Senate bill, and secs. 601, 3131, 3132, and 3201 of the House amendment, and modifications committed to conference: Chairman Tauzin and Representatives Barton of Texas and Dingell.

From the Committee on Government Reform, for consideration of secs. 564, 622, 803, 813, 901, 1044, 1047, 1051, 1065, 1075, 1102, 1111–1113, 1124–1126, 2832, 3141, 3144, and 3153 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811–819, 1101, 1103–1108, 1110, and 3132 of the House amendment, and modifications committed to
conference: Chairman Burton and Representatives Weldon of Florida and Waxman. Provided that Representative Davis of Virginia is appointed in lieu of Representative Weldon of Florida for consideration of secs. 803 and 2832 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference. Provided that Representative Horn is appointed in lieu of Representative Weldon of Florida for consideration of secs. 811–819 of the House amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of secs. 572, 574–577, and 579 of the Senate bill, and sec. 552 of the House amendment, and modifications committed to conference: Chairman Ney and Representatives Mica and Hoyer.

From the Committee on International Relations, for consideration of secs. 331, 333, 1201–1205, 1211–1218 of the Senate bill, and secs. 1011, 1201, 1202, 1205, 1209, Title XIII, and sec. 3133 of the House amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Smith of Texas and Conyers.

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference: Chairman Gilman and Lantos.

From the Committee on Judiciary, for consideration of secs. 821, 1066, and 3151 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Smith of Texas and Conyers.

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference: Chairman Gilman and Lantos.

From the Committee on Science, for consideration of secs. 1071 and 1124 of the Senate bill, and modifications committed to conference: Chairman Boehlert and Representatives Smith of Michigan and Hall of Texas. Provided that Representative Ehlers is appointed in lieu of Representative Smith of Michigan for consideration of sec. 1124 of the Senate bill, and modifications committed to conference.

From the Committee on Small Business, for consideration of secs. 822–824 and 1068 of the Senate bill, and modifications committed to conference: Chairman Manzullo and Representatives Combest and Velazquez.

From the Committee on Transportation and Infrastructure, for consideration of secs. 563, 601, and 1076 of the Senate bill, and secs. 543, 544, 601, 1049, and 1053 of the House amendment, and modifications committed to conference: Chairman Young of Alaska and Representatives LoBiondo and Brown of Florida. Provided that Representative Pascrell is appointed in lieu of Representative Brown of Florida for consideration of sec. 1049 of the House amendment, and modifications committed to conference.

From the Committee on Veterans’ Affairs, for consideration of secs. 538, 539, 573, 651, 717, and 1064 of the Senate bill, and sec. 641 of the House amendment, and modifications committed to conference: Chairman Smith of New Jersey and Representatives Bilirakis and Filner.

The House agreed by a yea and nay vote of 420 yea with none voting “nay”, Roll No. 391 to close portions of the conference to the public when classified information is discussed.

Making Continuing Appropriations for FY 2001: The House passed H.J. Res. 69, making further continuing appropriations for the fiscal year 2001 through Oct. 31. The joint resolution was considered by unanimous consent.

Interior Appropriations—Conference Report: The House agreed to the conference report on H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002 by a yea and nay vote of 380 yea to 28 nays, Roll No. 393. The conference report was considered by unanimous consent.

Military Construction Appropriations—Conference Report: The House agreed to the conference report on H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002 by a yea and nay vote of 409 yea to 1 nay, Roll No. 394. The conference report was considered by unanimous consent.

Presidential Messages: Read the following messages from the President:

Freedom to Manage Act of 2001: Message wherein he transmitted his legislative proposal entitled the Freedom to Manage Act;

Continuation of National Emergency re Narcotics Traffickers Centered in Colombia: Message wherein he transmitted his notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia referred to the President:

6-Month Periodic Report on the National Emergency re Narcotics Traffickers Centered in Colombia: Message wherein he transmitted a 6-Month
Periodic Report on the national emergency with respect to significant narcotics traffickers centered in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 107–134).

Conditional Adjournment of the House of Representatives: The House agreed to H. Con. Res. 251, providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

Agreed that when the House adjourns on the legislative day of today, it adjourned to meet at 10 a.m. on Friday, October 19, 2001, unless the House sooner receives a message from the Senate transmitting its adoption of H. Con. Res. 251, in which case the house shall stand adjourned pursuant to that concurrent resolution.

Quorum Calls—Votes: Four yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H6943–44, H7098, H7098–99, H7110, H7110–11. There were no quorum calls.

Adjournment: The House met at 10 a.m. and pursuant to H. Con. Res. 251, at 3:52 p.m., the House adjourned until 12:30 p.m. on Tuesday, Oct. 23, 2001 for morning-hour debate.

Committee Meetings

CHILD ABUSE AND NEGLECT—PREVENTION AND TREATMENT
Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on Prevention and Treatment of Child Abuse and Neglect: Policy Directions for the Future. Testimony was heard from public witnesses.

TOURISM INDUSTRY STATUS
Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on the State of the U.S. Tourism Industry. Testimony was heard from Representatives Berkley, Abercrombie and Underwood; Linda Conlin, Assistant Secretary, Trade Development, Department of Commerce; and public witnesses.

MEDICARE REGULATORY, APPEALS, CONTRACTING, AND EDUCATION REFORM ACT

DEPOSIT INSURANCE REFORM
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on deposit insurance reform. Testimony was heard from Donald E. Powell, Chairman, FDIC; and public witnesses.

FEDERAL LAW ENFORCEMENT WORK FORCE
Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on “Keeping a Strong Federal Law Enforcement Work Force.” Testimony was heard from the following officials of the Department of Justice: James Ziglar, Commissioner, INS; and Gary Mead, Assistant Director, Business Services, U.S. Marshals Service; and Robert M. Smith, Assistant Commissioner, Office of Human Resources Management, U.S. Customs Service, Department of the Treasury.

CHINA—COERCIVE POPULATION CONTROL
Committee on International Relations: Held a hearing on Coercive Population Control in China: New Evidence of Forced Abortion and Forced Sterilization. Testimony was heard from public witnesses.

MIDDLE EAST DEVELOPMENTS
Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on Developments in the Middle East. Testimony was heard from William J. Burns, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State.

OVERSIGHT—INS PERFORMANCE ISSUES
Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on Immigration and Naturalization Service Performance Issues. Testimony was heard from the following officials of the GAO: Richard M. Stana, Director, Justice Issues; and Glenn A. Fine, Inspector General; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Ordered reported—the following bills: H.R. 483, amended, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001; H.R. 1913, amended, to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation; H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and...
Facilities Act to authorize the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse within and outside of the service area of the Lakehaven Utility District, Washington; and H.R. 2585, Chiloquin Dam Fish Passage Facility Study Act of 2001.

The Committee also held a hearing on the following bills: H.R. 1239, to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California; and H.R. 2742, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma. Testimony was heard from Representatives Hunter, Filner and Carson of Oklahoma; Wayne Smith, Deputy Assistant Secretary, Indian Affairs; Michael Liu, Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development; the following officials of the State of Oklahoma: Kirk Humphreys, Mayor, Oklahoma City; and Enoch Kelly Haney, member, State Senate; and public witnesses.

**CYBER TERRORISM**

*Committee on Science:* Held a hearing on Cyber Terrorism, a View from the Gilmore Commission. Testimony was heard from James S. Gilmore III, Governor, State of Virginia.

**GENERAL AVIATION FLYING RESTRICTIONS**

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing on Restrictions on General Aviation Flying in Class B Airspace. Testimony was heard from Steven J. Brown, Acting Associate Administrator, Air Traffic Services, FAA, Department of Transportation; former Senator Jake Garn of Utah; and public witnesses.

**DRUG INTERDICTION**

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on Drug Interdiction. Testimony was heard from Asa Hutchinson, Administrator, DEA, Department of Justice; and Rear Adm. Terry M. Cross, USCG, Assistant Commandant, Operations, U.S. Coast Guard, Department of Transportation.

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**Joint Meetings**

**U.S. ECONOMY**

*Joint Economic Committee:* Committee concluded hearings to examine monetary policy in the context of the current economic situation, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

**NEW PUBLIC LAWS**

(For last listing of Public Laws, see DAILY DIGEST of October 15, 2001, p. D1018)


H.J. Res. 42, memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland. Signed on October 16, 2001. (Public Law 107–51)


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**COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 18, 2001**

(Committee meetings are open unless otherwise indicated)

**Senate**

*Committee on the Judiciary:* business meeting to mark up pending calendar business, time to be announced, room to be announced.

**House**

No committee meetings are scheduled.
Next Meeting of the SENATE
10 a.m., Thursday, October 18

Senator Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of the conference report on H.R. 2904, Military Construction Appropriations, with a vote on adoption of the conference report to occur thereafter, at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, October 23

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E1914  
Boyd, Allen, Fla., E1909, E1911, E1913, E1913  
Burton, Dan, Ind., E1912  
Calverly, Ken, Calif., E1912  
Coble, Howard, N.C., E1916  
Davis, Susan, Calif., E1918  
Fossella, Vito, N.Y., E1909  
Frelighuyzen, Rodney F., N.J., E1918

Gilman, Benjamin A., N.Y., E1917  
Hall, Tony P., Ohio, E1914  
Jones, Stephanie Tubbs, Ohio, E1913  
Kanjorski, Paul B., Pa., E1918  
Knollenberg, Joe, Mich., E1909  
Larson, John B., Conn., E1913  
Lee, Barbara, Calif., E1910  
McCarthy, Karen, Mo., E1909, E1910  
McIntyre, Mike, N.C., E1911  
McKinney, Cynthia A., Ga., E1916

Maloney, Carolyn B., N.Y., E1916  
Myrick, Sue Wilkins, N.C., E1919  
Ross, Mike, Ark., E1909, E1911  
Schaffer, Bob, Colo., E1911  
Schiff, Adam B., CA, E1911  
Shaw, E. Clay, Jr., Fla., E1911  
Udall, Mark, Colo., E1914  
Underwood, Robert A., Guam, E1916

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