United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, FRIDAY, DECEMBER 7, 2001 No. 169

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 10, 2001, at 2 p.m.

Senate

FRIDAY, DECEMBER 7, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, today on Pearl Harbor Day we look back on that day of infamy through the focused lens of September 11. We gratefully remember the men and women who paid the supreme sacrifice for our freedom in World War II. With equal admiration, we honor the memory of those who lost their lives seeking to save others in the aftermath of the terrorist attack on the World Trade Center and the Pentagon now just 87 days ago. These have been taxing days of war, anthrax anxiety, office closings, disruption and displacement, escalated security, and the stress of red-alert living. And yet, through it all, we have been drawn closer to You and to each other. Once again, You have helped our beloved Nation rise to greatness. Continue to give us strength and courage to finish this treacherous war against the insidious, collusive forces of terrorism. Dear God, bless America! Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will consider the District of Columbia Appropriations Act. There will be 10 minutes of debate prior to a rollcall vote on the adoption of the conference report. There are three more to go. Following disposition of the conference report, the Senate will resume consideration of the Department of Defense Appropriations Act. There is no question there will be rollcall votes throughout the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NOTICE

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Michael F. DiMario, *Public Printer*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2944, which the clerk will report.

The 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. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 5, 2001, at page H8914.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes debate on the conference report with the time to be equally divided and controlled by the chair and ranking member of the subcommittee.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I am pleased to present this conference committee report on behalf of myself and my most able ranking member, the Senator from Ohio. We have worked closely together over the last several months. We are proud to present a conference report that truly is a bipartisan, bicameral compromise on the District of Columbia, which is a very important center, a very important capital, a very important symbol for our Nation, home to almost 500,000 people who live here, but a center where millions of people work and where even more millions visit and, in some ways, call home because it is the Capital of our Nation.

I am pleased to present this conference committee report. I will briefly highlight a couple of the most significant provisions of this conference agreement.

The first is that this bill reflects for the first time in 5 years a budget that is no longer under the control of the control board. That control board did an excellent job under tremendous leadership, and I commend them for their great work over these 5 years, working with us in Congress and with the Mayor and the city council to reshape and reform the District's finances, which for the time are in pretty good shape. There are no deficits at this present moment. But as my colleagues know, there are some challenges ahead and the trends would cause us to be very alert on that score.

This is the first budget we are presenting with the control board behind us. I urge the authorizing committees of both Houses to quickly reconvene next year to pass legislation that will create a more sound transitional framework for the postcontrol period. I pledge this morning my full and complete support towards that effort, and this conference committee report somewhat lays a foundation for that effort. I look forward to working to that good conclusion.

In addition, I am very proud that this bill has as one of its hallmarks a reform of the child welfare system. Senator DeWine will probably give more detail about this matter because he has been one of the leading sponsors of this legislation and this effort. I know he will go into greater detail.

Suffice it to say, the District's foster care system and child welfare system was broken. It was in shambles. It was a disgrace; it was a national tragedy. We all have challenges in our respective States in this regard, and no State is perfect. Many States have a long way to go. But the District's system had unraveled.

This bill gives the courts the reorganizational mandate that is necessary and the financial support and resources, as well as some new tough guidelines and standards that, hopefully, will protect children, save their lives, restore dignity to families, and promote adoption when necessary to give children the families they need to grow up to be whole, complete, and full adults.

In addition, this bill works with the Mayor to ensure public safety of the District and to respond to whatever emergencies might occur. September 11 has given us all the push we needed to make sure we are investing correctly in public safety. This bill is a beginning—not an end but a beginning—towards that end.

It is the intention of the ranking member and myself to make sure the emergency response plan that is ultimately crafted for the District not only works for Washington, DC, but it works for the residents of Maryland and Virginia. We have to work together as a unified region when it comes to protecting the lives and property of the millions of people who live here in the event we are attacked again. And this region, unfortunately, is going to be a target because of this magnificent building in which we stand.

Finally, this bill improves public education, and that is going to be one of the focal points of my tenure as chair of this committee. I believe it is all about economic development, hope, and jobs.

The mayor has indicated this is going to be a strong thrust of his. This bill lays down some foundations for public education, for charter schools, for early childhood and early reading programs. So I submit this report. I thank our colleagues on the House side. I thank Congresswoman NORTON for her tremendous effort.

I thank the staff: Chuck Kieffer, Kate Eltrich Kathleen Strottman, Kevin Avery; and Mary Dietrich and Stan Skocki of Senator DEWINE's staff. Again, I am pleased to present this conference for a vote this morning.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I thank Senator LANDRIEU for the great work she has done. I say to her and Members of the Senate, it has been a real pleasure to work with her on this bill. I think the bill we have in front of us is a good bill.

Let me call my colleagues' attention to an article that was in this morning's Washington Post, ''Deficiencies Found in D.C. Child Services.'' The story starts off:

Nearly 80 percent of the District's child abuse complaints were not investigated within 30 days and close to two-thirds of foster homes housing city children were unlicensed this year, a recent study shows.

The article goes on:

Among the reports' findings, 30 percent of the children under District care were not visited by social workers during their first 8 weeks in foster care. Thirty-seven percent of child neglect complaints were not investigated within 30 days after they came into the city's hotline. Abuse and neglect cases are required to be investigated within a 30-day period.

The story goes on. This is nothing new. These stories have been running for years in the District of Columbia and the Washington Post.

This Congress has looked at this mess. It is a national tragedy. As Senator LANDRIEU has pointed out, no child welfare system is perfect. Each one of us representing our respective States has seen problems in our home States, but what we see in the District of Columbia is an absolute scandal.

Why do I bring this up this morning? I bring it up for my colleagues who will be coming to the Chamber in a moment to vote. This may not be a perfect bill, there may be parts of this bill some of my colleagues do not like, but it is a bill that fundamentally changes the child welfare system in the District of Columbia. To me, that is the most important aspect by far of this bill. We will have, I hope, within the next week to 10 days, the authorizing bill that will fundamentally reform the child welfare system in the District of Columbia by creating a brand new family court structure.

The bill we have in front of us today funds that. It funds the reforms. We cannot have these reforms unless we have the money. So what Members will be voting on today, in a moment, is whether or not they want to make fundamental reforms in a system in the District of Columbia that everyone in this room and everyone in the District of Columbia knows is an outright scandal. That really is what the vote is all about.

So to my colleagues who have had a little problem with this bill and some of the controversial provisions of it, let me say this: A ''yes'' vote on this bill will fundamentally change the direction of what we are doing in the District. It will not be the end of our

work, but it certainly is a major step forward.

Let me also point out several other items that are in this bill that I think are very significant. The bill also includes funds for the D.C. Safe Kids Coalition; the District's Green Door Program, which provides opportunities for people with severe and persistent mental illnesses; a program that has been called to my attention by Senator DOMENICI, Teach for America, D.C.; as well as the District's Failure Free Reading Program. There is also significant money in this bill for the Children's Hospital in the District of Columbia.

So it is a forward looking bill. It is a bill for children of the District of Columbia. I urge my colleagues to support the bill.

I yield back the remainder of my time.

Mr. DURBIN. Mr. President, less than a month ago, I stood before my colleagues to address an extremely important public health concern, one that is essentially a life or death issue here in the District of Columbia.

AIDS rates in our Nation's capital are the highest in the country. Nationwide, more than one third of AIDS cases are related to drug use, and substance use by a parent has led to over half of the AIDS cases among children. Statistics are more dramatic among women, where 3 out of 4 women diagnosed with AIDS became infected through their own use or a partner's use of contaminated needles.

Exhaustive scientific review has found needle exchange programs to be an effective way to slow the spread of HIV and AIDS. The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. Yet in spite of the overwhelming support from public health experts, we here in Congress have prevented the District of Columbia from using its own local funds to finance these lifesaving programs since 1999. These programs currently operate in many of our home States and communities, often with the help of State and local tax receipts. Almost 95 percent of these programs refer clients to substance abuse treatment programs.

I was pleased that the District of Columbia appropriations bill passed by the Senate on November 7 eliminated this unnecessary prohibition and acknowledged the strong support these programs enjoy among both law enforcement officials and the public health community.

The conference report we are considering today does not include this crucial step forward. Instead, it maintains the irresponsible status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs. This conference report ignores Surgeon General David Satcher, who stated that ''there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.'' This conference report disregards the Institute of Medicine, which identified access to sterile syringes as one of four unrealized opportunities in HIV prevention.

I have chosen to vote against this conference report because I am not willing to disregard countless medical experts who have acknowledged time and time again that needle exchange programs are an effective tool to halt the spread of HIV and AIDS, including the American Medical Association, the American Nurses Association, the American Association of Pediatrics, the American Public Health Association. I am not willing to ignore the tragic effect that this restriction has on children who contract HIV because one of their parents used contaminated needles. It is my sincere hope that next year we can stop politicizing this issue and recognize that the District of Columbia, just like all of our home States and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The ACTING PRESIDENT pro tempore. All time has expired. The question is on agreeing to the conference report.

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

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—79

Akaka	DeWine	Mikulski
Allen	Dodd	Miller
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Edwards	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Breaux	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Hollings	Smith (OR)
Cantwell	Inouye	Snowe
Carnahan	Jeffords	Specter
Carper	Johnson	Stabenow
Chafee	Kennedy	Stevens
Cleland	Kerry	Thomas
Clinton	Kohl	Thompson
Cochran	Landrieu	Thurmond
Collins	Leahy	Torricelli
Conrad	Levin	Voinovich
Corzine	Lieberman	Warner
Craig	Lincoln	Wellstone
Crapo	Lugar	Wyden
Daschle	McCain	
Dayton	McConnell	

NAYS—20

Allard	Ensign	Gramm
Brownback	Enzi	Gregg
Bunning	Feingold	Hutchinson
Durbin	Fitzgerald	Hutchison
Inhofe	Nickles	Shelby
Kyl	Santorum	Smith (NH)
Lott	Sessions	

NOT VOTING—1

Helms

The conference report was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST—S. 1214

Mr. HOLLINGS. Madam President, this is a unanimous consent request to take up the Port Maritime and Rail Security Act.

I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the consideration of Calendar No. 161, S. 1214, the Port Maritime and Rail Security Act, and when the measure is considered it be under the following limitations: That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill as thus amended be considered as original text for the purpose of further amendment; with no points of order waived by this agreement; that all first-degree amendments must be transportation related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; and that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, I am sorry at this time that I have to object because of the exclusive unanimous consent limitation.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senator STEVENS having the opportunity to speak for up to 10 minutes.

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

PEARL HARBOR DAY

Mr. STEVENS. Madam President, I requested of the leadership an opportunity to speak briefly about Pearl Harbor Day.

The Senator from Hawaii would be in Pearl Harbor today, as he has been almost every time every year since he has come to the Congress.

I would have been in New Orleans at the opening of the new museum for World War II. I think it is appropriate that we ask the Senate, at the conclusion of the remarks of the Senator from Hawaii, to stand and observe a minute or two of silence in honor of those who gave their lives at Pearl Harbor.

Sixty years ago today, I was in bed with pneumonia and heard over the radio about the attack on Pearl Harbor. My friend from Hawaii was a young medical student and was immediately called into action to help give first aid.

As a young medical student, Senator INOUYE gave first aid and assistance to a great many people.

Then he went through a period of time, which must have been very excruciating, when he saw other citizens of the United States of his racial background being taken to camps and various other places because of their Japanese heritage.

Subsequently, he joined the Army, proceeded to be trained, and went to war in Italy. As a matter of fact, he was in Italy on one side of the mountain, and our former colleague, Senator Dole, with the 10th Division was on the other side of the mountain. Senator INOUYE's unit was the most highly decorated unit in World War II, totally made up of Japanese Hawaiians, the 442nd. The 442nd has a distinguished place in history. And the person who has one of the greatest places in history is my long-time friend, Senator INOUYE, who is now a Congressional Medal of Honor winner. He had to wait many years before he got that award, having been passed over at the time because of his heritage.

I was privileged, as many others were, to be there when that wrong was righted and he was recognized for his distinguished service to our country for the events that led up to his being injured and, strangely enough, being in the same hospital with Bob Dole as they both came off the battlefield wounded.

But I have had a distinguished opportunity here to be a friend of this distinguished man.

I never had the privilege—I am getting a little personal—of living with my own brothers, but I have lived and traveled with DAN INOUYE throughout the world now for 33 years. I know of no man that I would put in higher esteem than Senator DANIEL INOUYE.

I ask the Senate to recognize him now, and then perhaps he would like to make some comments.

(Applause, Senators rising.)

The PRESIDING OFFICER. The distinguished Senator from Hawaii.

Mr. INOUYE. Madam President, as always, my dear friend from Alaska is overly generous. I shall always cherish his friendship, and this moment will never be forgotten.

Madam President, 60 years ago our Nation was suddenly attacked by a force of planes. It devastated a part of America. We lost about 2,400 of our gallant sons. It was a moment of great tragedy, great sadness, but it was also a moment of great glory because, almost instantly, our Nation got together. Our Nation was never that united. Even during the war of the Revolution we were not that united. In the Civil War we were divided.

But on this day, 60 years ago, America became one. And it was obvious that, notwithstanding the odds against us, we were going to be victorious. And we were.

Today, we are debating a matter that happened on September 11. And I know that, though we may have used some harsh rhetoric, we will stand united, as we always have, and we will come forth with a measure that will be American in nature, one of which all of us can be proud.

Today, there are two of my colleagues here who wish they could be at home, also. I wish I could be in Pearl Harbor at this moment. But two of my friends from Louisiana—Senator LANDRIEU and Senator BREAUX—wanted to be there to participate in the opening of the great museum commemorating the Pacific war. I know they join me, however, in saying that duty comes first.

And, TED, we appreciate the recognition you have given to December 7. I think this is a day of which all America can be proud.

Thank you very much.

(Applause, Senators rising.)

A PERIOD OF SILENCE IN RECOGNITION OF THE SACRIFICE OF THOSE WHO DIED AT PEARL HARBOR

Mr. STEVENS. Madam President, I now ask unanimous consent the Senate stand in silence for a period of 2 minutes in recognition of the sacrifice of those who died at Pearl Harbor.

There being no objection, the Senate observed a period of silence.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, as we look upon our life in the Senate, it is, indeed, a privilege for those of us to serve with our distinguished colleague from Hawaii. I, too, am a member of the generation of World War II, having joined the Navy in January of 1945.

My modest service to country pales in comparison to that of our distinguished colleague from Hawaii, as it does in comparison to that of our colleague from Alaska, Senator STEVENS, Senator HOLLINGS, Senator THURMOND, Senator HELMS, and Senator COCHRAN. I think we in this Chamber are the last of the few of that generation.

I had hoped today and had scheduled to join the President of the United States aboard the U.S.S. *Enterprise* in Norfolk, VA, together with my junior colleague, Senator ALLEN. We, as our colleague from Hawaii, will be at our duty stations here in the Senate today.

But I never let this day pass without my own recollections of that period as a very young man at age 17, as I say, entering the Navy and what the military did for me to enable me to achieve my goals in life. The GI bill was the greatest investment this Nation ever made in that generation, and I was a beneficiary of that.

Together with other colleagues, in my 23 years here in the Senate, on the Armed Services Committee, we, as a team, have tried to do our very best for the men and women of this generation who are proudly serving in uniforms of our country and who eventually either will select the military as a career or return to civilian life and avail themselves of the educational and other benefits they earned through their service.

Just 10 days ago, the chairman of the Committee of Armed Services, Senator LEVIN, and myself had the privilege of visiting our troops in Uzbekistan during the Thanksgiving period. We overflew Afghanistan, Pakistan, and Oman. I awakened this morning listening to people trying to compare the generation of World War II with those in uniform today. And Mr. Ambrose, the noted author, said he felt this generation, in every respect, equals the generation of World War II. I made that very same statement on the floor of the Senate right after September 11. Having seen them on this trip, I assure America that this generation now in uniform is every bit and perhaps even more courageous than those who served in World War II—more courageous because of the complexity of the enemies today and the unknown threats we face in comparison to the clarity of the enemy that faced us in the period of 1941 and for some 4 years thereafter.

So it is a privilege for me to serve with our dear friend from Hawaii. How dearly we respect him, and how gracious he is to all of us. Sometimes, in moments of tension around here, when you are seeking a little neutral ground for a little assistance, I go over to that desk and get the reassurance of my friend from Hawaii.

But, again, my career is very modest in comparison to that of Senator INOUYE, Senator STEVENS, Senator THURMOND, Senator HOLLINGS, Senator HELMS, and Senator COCHRAN. I thank my colleague for our friendship.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order would be the Defense appropriations bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for 1 minute as in morning business just to acknowledge the remarks of Senator INOUYE and Senator STEVENS.

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

Ms. LANDRIEU. Madam President, I want to say, on behalf of the senior Senator from Louisiana, Mr. BREAUX, and myself, how grateful we are for their remarks and the help our distinguished colleague from Hawaii, Senator INOUYE, and our distinguished colleague from Alaska, Senator STEVENS, have provided to us. They have both been so instrumental in helping support the development of this museum in New Orleans, LA.

I say to both Senators who were going to have the opportunity to be there this morning, and to see their great work firsthand, this museum, this dedication, has exceeded all expectations.

We are a city and a town used to hosting thousands of visitors. This museum, the World War II Museum, and now the opening of Pacific Rim Theater have exceeded all expectations. Today as we speak, Stephen Ambrose and a long list of distinguished dignitaries are there. With the support of these two Senators and our entire Congress, we have had contributed $5 million toward the development of this museum and the creation of the Institute of the American Spirit. It is not just our weapons, our tanks, our airplanes, and our assets, it is the American spirit that protects and leads this world for liberty and justice. These two Senators know that. They have contributed mightily. I thank them on behalf of Senator BREAUX and myself.

Mr. AKAKA. Mr. President, as the sun rises over Pearl Harbor this morning, solemn ceremonies at the U.S.S. Arizona Memorial and the National Memorial Cemetery of the Pacific will commemorate the 60th anniversary of the attack on Pearl Harbor. Prayers, reflections and tribute will be offered to honor the service and sacrifice of the men and women who fought and died in the defense of our country. For many of us in Hawaii, the events of December 7 are a graphic memory, a personal experience never to be forgotten.

As a student, I watched in the attack on Pearl Harbor at 8 a.m., Sunday, December 7, 1941, from the roof of my dormitory at the Kamehameha School for Boys on Kapalama Heights in Honolulu. We had just returned from breakfast at the dining hall, and were slowly preparing for Sunday services. In stunned silence, we saw the flash of bombs and thick black smoke rising above Pearl Harbor.

We saw the planes dive from the south, drop their torpedoes, and the resulting explosion on the battleship *Arizona*, which later tilted and sank at her mooring. The airstrip at Hickam was marked with potholes, bomb craters, and damaged aircraft. Smoke, both white and black, moved to blanket the area.

A spent anti-aircraft shell landed and exploded near our dormitory. A squad of zeros flew over us from Pearl Harbor to attack the Kaneohe Naval Air Station. By that time excited radio messages were reporting the bombing of Pearl Harbor.

It was a calamity that forever changed the course and life of our country and Hawaii. As America prepared for war, men and boys in Hawaii, as elsewhere in our Nation, rushed to enlist. Japanese American soldiers, fighting with the 442nd Infantry and 100th Battalion, became the most decorated units in the war, while at the same time our government interned and relocated their families and confiscated their homes.

The sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy represents the greatest heroism and patriotism in service of our country. It also reminds us and future generations of Americans that patriotism is not a matter of race and religion, but personal courage and conviction.

As we realized on December 7, and as the events of September 11th painfully reminded us, the freedom and prosperity we enjoy carries a dear price. Our sacred duty is to ensure its preservation for future generations.

Throughout our Nation's history, we Americans have relied on the power of our ideals, our faith in God, and prayer to guide us through the challenges we faced, and we rely on that same power today as we seek peace and justice.

Today, I am honored to join my colleagues in prayer and remembrance for those courageous men and women who died in Pearl Harbor. I also join my colleagues in honoring my dear friend, the senior Senator from Hawaii [Mr. INOUYE]. His duties and responsibilities in the Senate have kept him from today's observances in Hawaii. For over 50 years, Senator INOUYE has served our Nation and our beloved State in the U.S. Army—awarded the Congressional Medal of Honor, the Territorial Legislature, the House, and Senate. I am proud to serve alongside him and privileged to call him friend.

I also want to thank the senior Senator from Alaska, Mr. STEVENS, who is also a decorated and distinguished veteran of the Second World War and a true American patriot, for his leadership in remembering those killed at Pearl Harbor and honoring the service of those men and women who served our Nation in the Second World War and those men and women who are defending freedom around the world today.

Mrs. HUTCHISON. Mr. President, I rise to discuss what an important day today is in the history of our country and also to mention a personal, special time for a Member of our Senate on Pearl Harbor Day. And that is Senator DAN INOUYE.

DAN INOUYE was 17 years old, living in Hawaii, on the day that Pearl Harbor was attacked. He was one of the first Americans to go forward to try to help with the casualties that occurred that day.

But DAN INOUYE has said on several occasions that he looked up into the sky and he knew that the people who were bombing his country were people who looked like him. And he said he knew that his world had changed forever from that day.

DAN INOUYE, at the age of 18, was a freshman in premedical studies at the University of Hawaii but dropped out to enlist in 1943 in the U.S. Army.

DANNY INOUYE was not just another enlistee in the U.S. Army. He was one of the great heroes of World War II. He spent two of the bloodiest weeks of the war in France rescuing a Texas battalion that had been surrounded by German forces. This was known as ''the lost battalion'' and is listed in the U.S. Army annals as one of the most significant military battles of the century.

He won the Bronze Star, but that was not the end. He went to Italy and became involved in the war in Italy and was trying to assault a heavily defended hill in the closing months of the war. Lieutenant INOUYE was hit in his abdomen by a bullet which came out his back, barely missing his spine. He continued to lead the platoon and advanced alone against a machinegun nest which had his men pinned down. He tossed two hand grenades with devastating effect before his right arm was shattered by a German rifle grenade at close range.

Lieutenant INOUYE, who threw his last grenade with his left hand, was attacked then by a submachinegun and was finally knocked down the hill by a bullet in the leg.

For this he received the Distinguished Service Cross which later, thank God, was upgraded to the Medal of Honor. So he is one of the very few Members who has served in the Senate who has received the distinguished Congressional Medal of Honor.

He has never missed an anniversary of Pearl Harbor.

He is missing it today because, once again, duty has called, and DANNY INOUYE answered the call of his duty to pass the Defense appropriations bill for those in the field today.

I wanted to take a moment to pay tribute to this great patriot of our Nation, Senator DAN INOUYE of Hawaii.

I thank the Chair. I yield the floor.

Mr. THURMOND. Mr. President, 60 years ago I was serving as a Circuit Judge for the State of South Carolina. It was an early Sunday afternoon when news reports began to stream in about the attack against the United States that took place at Pearl Harbor, HI. As I listened to news reports about the attack on our Pacific Fleet, I knew instantly, that the world we lived in was irreversibly changed.

All across this great Nation, Americans reacted to the unprovoked attack on the United States with anger, and I shared those sentiments. We became galvanized as a Nation. Americans from all corners of the country rose to the call of duty. Long lines extended from every military recruiting office as men and women prepared to take up the challenge to the security of the United States and the American way of

life. It was my privilege to join those who immediately volunteered to serve. I am proud of the service that I rendered as an Officer in the United States Army which included serving in the United States, Europe and the Pacific.

The attack on Pearl Harbor was the beginning of America's direct military participation in World War II. For nearly 4 additional years, the Allied Powers fought the forces of fascism and tyranny around the globe. With the passage of time, and understanding the great strength of our armed forces, it may be difficult to remember the challenge our military faced despite our resolve and resources. We faced formidable and determined foes, but ultimately they were no match for the courage and bravery of our Allied Forces.

On September 11 of this year, we again witnessed an attack on American soil. As Chairman Emeritus of the Senate Armed Services Committee, I am honored to be in a position to support our President and our brave men and women in uniform in the cause to rid the world of international terrorism. The terrorists who committed this act of cowardice thought they could destroy the American spirit, but as experience taught me 60 years ago, this will only make us stronger as a Nation. Furthermore, I see the same spirit of unity and determination that I saw then. They were wrong then, they were wrong now and we will prevail.

Today we honor the memory of those who fought for freedom in that great conflict 60 years ago. As a veteran, I have a special appreciation for the service and sacrifice of those men and women who fought so hard to protect and preserve American ideals and freedoms. We recognize that Americans are again in harm's way, fighting to protect our freedom and our way of life. My appreciation extends to all those who continue to answer the call of our Nation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me quickly join everyone else in congratulating our colleague from Hawaii who has always been very kind to me and to my wife and family. I appreciate it very much.

We have reached an impasse here. It is clear that we need something to sort of break the logjam. It seems to me the logical thing to do is to try to demonstrate the direction in which we are not going to go, so hopefully we can change direction and find bipartisanship in passing this bill.

Everybody knows we have to have a Defense appropriations bill. Often in trying to get on the right road, it is an important step to get off the wrong road. When you are going in the wrong direction, it is important to stop so that you might go in the right direction. In order to try to break this logjam, it is my purpose to make a point of order against the committee substitute.

Let me make a parliamentary inquiry. Are we on the Defense appropriations bill now and that substitute?

The PRESIDING OFFICER. The bill has not yet been laid down.

Mr. CARPER. Will the Senator yield?

Mr. GRAMM. I yield to the Democrat floor leader for the purpose of laying the bill down.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, what is the order before the Senate?

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I want to make sure the Senator from Texas maintains the floor. The Senator from Delaware wishes the floor.

Mr. CARPER. May I make a unanimous-consent request to address the Senate for 1 minute as in morning business.

Mr. REID. Madam President, that will be fine, if the Senator from Delaware addresses the Senate for up to 2 minutes, with the Senator from Texas having the floor as soon as he completes his statement as in morning business.

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

Mr. GRAMM. Was the request that he speak and then it come back to me, or I finish and then it goes to him?

Mr. REID. Let him do his 2 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

HONORING SENATOR INOUYE

Mr. CARPER. Madam President, Senator INOUYE has been a good friend and mentor to this new Senator, as has a Senator I call ''Mr. Secretary,'' the former Secretary of the Navy, Senator WARNER from Virginia, who also has been a good counselor and advisor to me. When these two Senators stood and entered the armed services six decades ago almost, they raised their arms and took an oath to defend our Constitution against all enemies, foreign and domestic. They participated in a war that brought us in the 20th century to become the great Nation we are today.

Sixty years ago today, Pearl Harbor was bombed. Two hundred fourteen years ago today, the Constitution which they took an oath to defend was first ratified by any State in the United States of America. Two hundred fourteen years ago today, in a place called the Golden Fleece Tavern in Dover, DE, about 30 delegates who had been there for 3 days debating what steps to take decided that Delaware should be the first State to ratify our Constitution and provide the foundation which has enabled our Nation to survive World War I and World War II, the Korean war, the Vietnam war, the war against communism, to win the battle against the Great Depression.

We are fighting another war on terrorism around the world and here in this country and other places. That Constitution, which provides us with our three branches of Government—the legislative branch, of which we are one-half, the executive branch, and the judicial branch—the most enduring of any constitution in the world, which provides the foundation for the longest living democracy in the history of the world, was first ratified today 214 years ago.

Any country that can survive two world wars and a civil war and the Great Depression, vanquish the Communists, we can certainly handle the terrorists, and we can handle the issues that divide us here today. I am confident we will.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Delaware for his thoughtful remarks and for his service to the Nation in the U.S. Navy, when I happened to have been Secretary of the Navy. He is very respected for that period when I was the boss.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending committee substitute amendment. The pending committee substitute amendment violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, the motion to waive the point of order is before the Senate. I ask unanimous consent that the time for debating that

motion to waive the point of order be divided 50/50; that is, Senator STEVENS and Senator BYRD each control 30 minutes. Additionally, I have a request for time from Senator BOXER, and I ask unanimous consent that she be given 5 minutes in addition to the 1 hour.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did I understand there will be 1 hour equally divided on the debate?

Mr. REID. Yes, that is right.

Madam President, I state, through the Chair to the distinguished Senator from West Virginia, that I asked for 5 additional minutes for Senator BOXER. In fairness, we should give 5 additional minutes to the other side. So that would be an additional 10 minutes.

Mr. BYRD. Madam President, as the request is worded, time on quorum calls, et cetera, would not be counted because the word is ''debate''; am I correct?

Mr. REID. The Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, my inquiry was made because I want to be sure we have 1 hour on the debate. It is going to take us a few minutes to get some chairs, and I do not want that time coming out of the debate. So there is no ulterior or devious motive behind my having asked that question.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I thank Senator REID and my colleagues for giving me this 5 minutes in support of Senator BYRD's motion.

We are living through a very difficult time in our history. This particular campaign we are in is unlike any other we have faced. There are people in our own country and perhaps in as many as 80 countries who are dedicated to harming our people. As has been noted, we have had more casualties in this campaign on the homefront, in the homeland, than we have actually had in the theater of war.

We have a crisis to which we must respond. With his wisdom gained in almost 50 years in the Congress, Senator BYRD is leading us in a direction we should all follow. I am deeply distressed that the other side of the aisle does not seem to want to follow Senator BYRD's leadership.

I have been in the Congress for 20 years, Senator BYRD for 49 years. The President of the United States has served in office, all told, 7 years as a Governor and a year as President. Our President has said it is important to be humble. I call on him to be humble and to listen to the words of a man who understands what the role of the Congress should be in this time of terror, Senator ROBERT BYRD.

We are facing threats that we have never faced before. There is not any debate in this body on that. We are facing the threat of smallpox. Anyone who has seen the presentation called ''Dark Winter,'' anyone who has spoken to physicians, knows this is a disease that will kill one out of three people it strikes. This is a weapon of a terrorist. Will it ever strike? We pray to God, no. Could it strike? Yes. In what form? Will it be someone spraying this deadly disease at a mall? Or will it be a number of people getting on a plane with the disease? We don't know. Maybe it will never happen. And we pray it will never happen. But we know we only have 15 million doses of the vaccine. We are very hopeful it can be diluted to provide up to 77 million doses. But the fact is, we need to move quickly.

I know our Secretary of Health and Human Services is moving to procure those vaccines. But we also need to buy antibiotics in case we get more anthrax cases. We need to find cures for diseases such as smallpox, Ebola virus. I have met with companies in California and other places that are working diligently to find cures for smallpox, for Ebola viruses, and other deadly viruses. We need the funding for that. Senator BYRD has done that.

We all worked hard on an aviation security bill and the President signed that bill, but there is much more to be done. Just listen to Norman Mineta. He will tell you. We have to have more of the machines that check for bombs in cargo holds. The FAA has not even ordered more machines. I have talked to the companies. They can produce 50 a month, and Envision, one of the companies, has not gotten a phone call. There is not the money. We need more air marshals. We are getting some; we don't have near enough. We need the funding for that.

I speak because on this one there is a hole in my heart. We lost 39 Californians. Every hijacked plane was heading for California. Those long-haul flights need air marshals. These flights had the heavy fuel loads and the light passenger loads. Those were the targets of the terrorists.

We need more security at our nuclear plant facilities. We must have more security there. That costs money. You don't do that on the cheap. In California, we have two plants at San Onofre located at Camp Pendleton, two at Diablo Canyon near San Luis Obispo. They need the National Guard. They need permanent protection. We know about dirty bombs and what they can do—if they get their hands on that plutonium. We need to guard against that happening. Senator BYRD does that.

Our own Homeland Security Director has talked about all of these issues. Yet we seem to have a partisan battle where there should be no room for partisanship. I ask my colleagues on the other side of the aisle, what are they against? The money for food safety? The money to fight bioterrorism? The money to give to our law enforcement throughout the land, working so hard, 12 and 14 hours a day, to ease their pain? To put more people on the ground? Are they against firefighter programs? Border security? Airport security? Nuclear plant security? How about U.S. ports, those vulnerabilities? We know what could happen if we do not protect our infrastructure.

It is pretty simple to me. Senator BYRD has stepped out. There can be no one who has reached more across the aisle than Senator BYRD and Senator STEVENS, that is for sure. We saw it a couple of minutes ago. So I say to my colleagues, let's be bipartisan.

I ask for 30 additional seconds.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mrs. BOXER. Let's be bipartisan when it comes to defending the homeland, just as we are so bipartisan when it comes to supporting our President in this fight abroad.

My mother used to say, in the old days: Penny wise and pound foolish. It is something we always heard from our moms. You make these investments now.

Last point. The President does not have to spend the money. The way Senator BYRD has structured it, it is entirely up to him. Why would he not want to have that insurance in his pocket so if we had another attack we would not have to immediately be clamoring for another session of Congress? Let's do the right thing and follow the leadership of Senator BYRD today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Has the Senator from California completed her statement?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I will take 3 minutes off our side's time.

Mr. STEVENS. I suggest the time just be given to the Senator from North Dakota rather than invade Senator BYRD's time. We are happy to yield 5 minutes to the Senator without any limitation on it.

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

Mr. CONRAD. I thank my colleague from Alaska for his graciousness with

respect to the time. Once again, he has demonstrated why he is one of the most respected Members of this body. He is truly a gentleman.

Madam President, the question before us is whether or not the additional funds to strengthen homeland defense and to rebuild what has been destroyed in New York should be approved. The basic question is whether or not it goes over what is provided for in the budget. There is no question it is over and above what is in the budget. That is because America was subjected to a sneak attack on September 11.

Terrorists attacked this country and that has required a response. It has necessitated increases in spending for national defense. It requires us to build up our defenses against bioterrorism. It requires us to strengthen the security at our airports, at our harbors, at our nuclear facilities. All of that costs money.

Of course, it was not in the original budget agreement. These are funds over and above what was anticipated because no one could have anticipated in April a terrorist sneak attack against the United States. I am chairman of the Budget Committee. I have argued all throughout the budget process, all throughout the tax process, for us to respect the integrity of the trust funds of the United States. They are in danger. They were in jeopardy before the attack on September 11. Our first priority has to be the defense of this Nation. I think each and every Member of this Chamber understands that is the first obligation of each and every Member of this body and of the other body.

The basic argument on the Republican side is we should wait: We probably are going to have to have these additional expenditures, but we should wait until next year. Their argument is this adds to the deficit.

I think we should look at what else is being proposed, what else is being considered in this Chamber to evaluate the merits of their argument. The fact is, the Republican stimulus plan that is also being considered simultaneously with the legislation before us now adds $146 billion more to deficits than the Democratic stimulus plan. The Democratic plan in 2002, with all that has happened—the attacks on this country, the additional spending, the economic downturn—will have a $32 billion deficit in 2002. The Republican plan will generate a deficit in this fiscal year of $47 billion. In fact, we could accommodate the entire additional spending to protect this Nation and to rebuild New York and not have more of a deficit than the Republican plan for fiscal year 2002.

For 2003, the Democratic plan has a deficit of $3 billion. The Republican plan has a deficit of $66 billion. That is 22 times as much of a deficit for the year 2003 than it is in the Democratic plan.

For 2004, the Democratic plan emerges from deficit with a $45 billion projected surplus, while the Republican plan is still in deficit by $23 billion.

Over the first 3 years of this budget plan, the Republican overall budget blueprint will create $136 billion of additional deficits, of additional debt. The Democratic plan will actually have $10 billion of surplus. So there is a total difference between the two plans—the Republican stimulus plan over the Democratic stimulus plan—of $146 billion of budget deficits and of additional debt.

What Democrats are saying is we ought to accommodate the $15 billion that Senator BYRD has identified that is critical to strengthening our homeland defense and to keeping the promise to rebuild New York. We can do that. We can do that and still have $130 billion less of a deficit than the Republican budget plan.

To the extent this is an argument over deficits, there is no argument because the Democratic plan has far less in deficits—more than $130 billion less—than the Republican plan.

We ought to thank and commend the chairman of the Appropriations Committee, Senator BYRD, and the Defense Appropriations Committee chairman, Senator INOUYE, for coming forward with a plan that is responsible to defend America and to keep the promise to rebuild New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, how much time do I have?

The PRESIDING OFFICER. There are 30 minutes remaining.

Mr. BYRD. I thank the Chair.

Madam President, let us pause for a moment, back away, and determine if we might be able to see the forest and later see the trees.

Remember, Senators, that in this package I have offered, and which was adopted in the Appropriations Committee, I sought to do three things:

No. 1, to give the President every penny he asked for for defense. He requested $21 billion. And there is not a penny cut away.

We have added $7.5 billion for New York, et al, and $7.5 billion for homeland defense.

We have a package that gives to the President $21 billion for defense. It provides that New York City and other areas that were attacked on September 11 would get the $20 billion that the President promised and to which we committed ourselves. On top of that, there is $7.5 billion for homeland defense.

I didn't go to New York. I didn't go up there and promise that. But I saw, and I heard, with my heart and mind responding. We believe we ought to stand by our promises to New York, New Jersey, et al.

Some have argued that approval of $15 billion for homeland defense and for New York disaster relief will result in pumping up spending for years to come. That is not my intent. In fact, I have included a provision in this bill directing OMB and the Congressional Budget Office to exclude the $15 billion from baseline calculations of future spending. This $15 billion supplemental is intended to respond to the urgent needs and vulnerabilities that have been created by the terrorist attacks of September 11 and the anthrax attacks. It is not a permanent increase in spending. It should not be a permanent increase in spending.

Having laid that to rest, let me read just a few excerpts from news stories. Let us talk about the homeland defense. Defense of the homeland is important and in the final analysis even more so than defense overseas.

The opposition that has raised this point of order is saying we can wait for defense of the homeland, we have to take care of our men and women oversees.

I am for doing everything within our power to defend the men and women whom we send overseas. As a matter of fact, I was the Senator who stepped forth several years ago during the war in Vietnam when my own party and my own majority leader at that time were opposed to attacking the Vietcong enclaves in Cambodia. I took the position that we had men in Cambodia and we ought to attack those enclaves. I took the position that we had a duty to do whatever was necessary and that the President of the United States, Mr. Nixon, had a duty to do whatever was necessary to protect the men and the women he sends overseas into battle—whatever is necessary. He had a right to do that. He had a duty to do it. My own party on that occasion took issue with that idea. They were opposed to bombing the enclaves in Cambodia, which were attacking our military men in South Vietnam.

So don't look at me and pretend I am a Senator who is battling for political reasons. I was not then. I am not now. This amendment is to protect the people here at home—relatives of those men and women who are overseas, children of those men and women who are overseas, mothers and fathers and sisters and brothers of those men and women who are overseas.

Ask the men and women overseas: How would you vote today? Would you vote for homeland security? Would you vote to advance the cause, to give homeland security a jump-start, to protect your people back home in the USA? And the people back home are not only the relatives of those men and women who are in Afghanistan; there are also military men and women here in this country, still. And they, too, might be subject to injury, to disease,

to death as a result of terrorist acts over here. How blind can we be?

So there is a division line here saying: Oh, we must do everything possible for our men and women overseas—and we are doing that; we are not cutting one penny out of defense abroad—but as to homeland defense, the Administration says let's wait, let's wait until we analyze and wait until we get further reports and wait until our department heads can come forward with proposals. Wait, they say.

Here is a story in The New York Times today in which [Mr.] Ridge Promises Security Funds ''For States in Next Budget.'' When will that be? I will read just a bit:

> A day after the nation's governors asked Congress for an immediate $3 billion to fight terrorism, Tom Ridge, director of homeland security, promised that President Bush's budget proposal next year would include ''substantial down payments'' to the states for security.
>
> Mr. Ridge spoke as questions of how much domestic security should cost after Sept. 11 have proliferated on Capitol Hill and as states, facing recession and budget shortfalls, are grappling with how to pay for new responsibilities to help guard borders, bridges, dams and nuclear power plants. . . .
>
> On Wednesday, the National Governors Association released a preliminary survey of domestic security costs, estimating that they would run the states $4 billion in the first year.

So here we are: The States of the Nation are grappling with serious problems involving their own budgets. They have budget shortfalls. They are crying out for help. And yet here we have the Director of Homeland Security saying: Wait—Wait.

We do not have time to wait. We do not have that luxury. A vote against my waiver of the point of order sends the message that it is more important to win a political battle than it is to win the war against terrorism.

Why will they not vote for this package? This package, as it was written originally, had an emergency designation which would say to the President: Here is the money. You do not have to spend it. You can spend it or not spend it, depending upon the circumstances at the time.

Well, the Senate has already stricken from that package the emergency designation. Now we are at the stage where we are going to vote to waive the point of order. Those who vote against the waiver send the message that it is more important to win a political battle than it is to win the war against terrorism. That is what a vote against the waiver means.

The President has said he will veto this bill if it has more money than he requested. Is the Senate going to be blind to the fact—and I have had Senators say to me: Well, why do we press ahead when the President has said he will veto? The answer is: If we back away every time a President threatens a veto, then the Chief Executive of this Nation will reign supreme. He will become an emperor. No matter what his political party, he will become an emperor, he will be king.

What would the Framers think of that? How would the Framers look upon this Senate that cringes when a President says he will veto? I think they would be dumbfounded to see that the time has come when the legislative branch will flinch, will cringe when a President issues a veto threat. Certainly the majority of the people in this broad land of ours feel that the time is at hand when we need to jump-start homeland defense so that aid will immediately flow to the people at the local level: The policemen, the firemen, the paramedics, the people in the hospitals, the people in the labs, the people in the emergency rooms in the hospitals.

This is the time. If something happens tomorrow, tonight, next week, or the week after, the people at the local level need to know that their paramedics, their firemen, their policemen are going to have monetary assistance. The Governors will know that. The mayors will know that. Will our pleas fall upon deaf ears? Unfortunately, politics reigns supreme in this Capitol. Once again, the people will lose.

An entire Defense bill, representing months of work by Senator STEVENS, Senator INOUYE, and others, is going to fall. Why? Because of political petulance. Ah, the Chief Executive, our people here say, must win. He has said he will veto. What is one man's judgment against the judgment of the majority of the people? It is obvious that the terrorists can strike. We know that. Anthrax taught us that.

I think this is an extremely unwise course to take in time of war. This is a war. Oh, Administration leaders say, we should not challenge the President. I say that this is not a challenge to anybody, except to the consciences of all of us who are sent here by the people of the United States. Will we let political blinders get in the way of what we know is right.

We all know it is right to provide protections to the people against the sinister, deadly attacks on our own shores. And we have seen them already. The people are crying out for help. Our military needs to know that games are not being played with defense. Can we not lift our eyes from Budget Act points of order long enough to do what our country needs us to do. Apparently not. So, keep your political blinders on. All that matters is winning for the President. Winning! That is all that matters.

I wish that, just once, the thick fog of cynicism—and it is so thick that you can cut it with a knife—could be lifted from this town. I wish, just once, we could listen to our hearts—pay no attention to politics, just listen to our hearts and clear our minds of fog and political partisanship. Let our hearts and clear, rational minds, not the hotheads—not the hotheads of political gamesmanship—guide our actions. In this game of political cloak and dagger, the only ones being stabbed in the back are the American people.

Now, each of us is going to have to stand before the American people and answer questions. If this point of order prevails, we break our promise to the people to protect them. We break the promise to the people of New York City to help them with this tragedy. We continue the decades of partisan political squabbling that so often occupy us in this self-consumed, cynical, myopic town.

When I came to the legislative branch, we had two major political parties. In the year that I came here to the legislative branch, the Republicans were in control. Joe Martin of Massachusetts, Republican, was the Speaker of the House of Representatives. John Tabor of New York was the Republican chairman of the Appropriations Committee in the House. Yes, those men were politicians, but first of all they were patriots.

And how about those men at Valley Forge? How about those men who wrote the Constitution, how would they feel? How would those Framers feel? What would they think if they could hear the arguments, the pitiful, weak arguments that are being advanced against this package? How would they feel if they could read in the press of our day what is being said by those who oppose this package? Wouldn't they say: Let's work together? Wouldn't they say: We, the Framers, wrote ''we the people, in order to form a more perfect union.'' How would the Framers feel about that? We are not forming a more perfect union here in this Senate. No, we are using a point of order that requires 60 votes to overcome. We are going to vote the party line and turn our backs and give the back of our hands to the American people.

We can't be proud of ourselves. Oh, we win the political battle: oh, yes, we will uphold the hands of our President when he carries out his veto threat.

Mr. President, I want to help the President. I want to help him keep his promises to New York. I want to help him keep his promises to the people of this country regarding homeland defense. We all know he made such promises. So it will be a political victory for the Administration. But where does that leave us? Where does that leave the people of the nation? They are going to have to wait. A supplemental will not be coming along for a while, and it won't be adopted for a while. I don't know how long. But we are going to say to the people: You wait.

Oh, yes, on fast track the President got on the White House phones, I am told, and called Members of the other body and said: Please, support your administration; we need fast track.

But, Mr. President, on Homeland defense, the Administration says, wait, wait, wait.

It seems to me to be a rather arrogant attitude on the part of the administration. They say: Wait, we will tell you, the Congress, how much we need. We will let you know when we have

done these analyses and after the departments have all gotten together and we have all come to a decision as to what we need, then we will tell you how much we need.

That is an arrogant attitude, Mr. President, in my opinion. What we are saying is, we want to help you, but we think the danger is there. We think we ought to act now. We ought not wait. That is what we are saying.

I hope all Senators will hear me. Hear me, Senators. Listen to what I am going to say. Under the Budget Act, legislation cutting taxes or increasing mandatory spending is supposed to be paid for because of the tax cut bill signed this summer. We are currently facing a 4-percent cut in Medicare spending in January. Hear me, Senators! I wish my voice could ring across the land, that the people could hear me, if they could have time to contact their Senators. Let me say it again: Because of the tax cut bill signed this summer, we are currently facing a 4-percent cut in Medicare spending in January.

A 4-percent cut in Medicare would result in $8.5 billion in cuts for hospitals, physicians, home health agencies, skilled nursing facilities, and managed care plans. This isn't going to be easy. This is not going to be easy. You can wrap the robes of political partisanship around yourselves, but you won't keep out the chilly winds that are going to blow right in your face.

A 4-percent cut in Medicare would result in $8.5 billion in cuts for hospitals, physicians, home health agencies, skilled nursing facilities, and managed care plans.

Such cuts may force health care providers to cut staff, threaten to cut the quality of care to our elderly who receive health care through Medicare, or force them to discontinue to see Medicare patients.

My proposal includes a provision to block—get this now, my proposal that is in this bill which is about to be brought down—my proposal includes a provision to block these Medicare cuts. So it is not going to be easy to explain to those people out there who are your constituents that it is more important to cast a political vote here than it is to cast a vote for the people back home.

Wait until those Medicare cuts face you, the Senators who will vote against this waiver. You will be hiding behind a sixty-vote point of order. I am not denying any Senator's right to make points of order. This is a 60-vote point of order. So we can hide behind that. Or can we? Think about it. There will be a few people, in this country at least, you will meet on the campaign trail who will have heard what you are about to do.

Any Member who votes against the motion to waive this 60-vote point of order is voting to allow the massive $8.5 billion cut in Medicare to go into effect in January. Explain that one to your constituents. Explain that one to your conscience. I don't propose to be anybody's keeper of conscience, but it would certainly be on mine if I voted that way.

There is no person of any party to whom I would give precedence for party reasons or preference in any way, over the obvious needs of the American people to be protected from terrorist attacks, and the needs of the people to be able to have their hospitals, their physicians, their home health agencies, their skilled nursing facilities and managed care plans not be jeopardized by this point of order.

Madam President, how much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. BYRD. Madam President, I again thank my friend. And we hear that term used so loosely in this body and on Capitol Hill, ''my friend.'' He is my friend, this man. I admire him. There is something behind the political facade of this man. He is a man. He is a man, and here is a man in DANNY INOUYE. I thank him as we soon will come to a close, I assume. I may need some more time. The distinguished Senator from Alaska yesterday gave me as much time as I asked for, and I will be requesting that time again.

I believe the Senator from Massachusetts wanted me to yield to him at this point. How much time does the Senator wish?

Mr. KENNEDY. Five minutes, I say to the Senator.

Mr. BYRD. Madam President, I only have something near 2 minutes left.

Mr. STEVENS. I yield the Senator 15 minutes of our time.

Mr. BYRD. The distinguished Senator yields me 15 minutes, and I thank him.

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

Mr. BYRD. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, today is Pearl Harbor Day. Just a short time ago, we had an enormously moving moment in the Senate. We do not have many emotional moments in this institution; certainly few as important and emotional as we had earlier today when our good friend, the Senator from Alaska, paid tribute to our beloved friend, genuine patriot, and hero, Senator INOUYE, for his service in World War II.

Americans are thinking about today December 7, a day when America was caught unprepared in World War II. We came together as a nation, and we were victorious, with a great deal of courage and a great deal of bravery, but also a great deal of suffering, certainly, at Pearl Harbor.

We are also mindful of what happened on September 11 when we saw the failure of our intelligence system and the failure of our security systems at our airports—two massive failures. We saw Americans suffer loss of life, and families who have lost loved ones are feeling it more now than ever at the holiday season. I am sure everyone in this body has talked in their States with those families who have lost loved ones. This all because we were unprepared to deal with the terrorist attacks: during World War II on December 7 and again this year on September 11.

The amendment that is offered by the Senator from West Virginia says: Enough is enough. We are facing a new world, a new time. This Defense appropriations bill says we will give all the support our service men and women need who are fighting overseas in Afghanistan and across the world preserving peace and preserving our liberties. We are prepared to do that.

But we have been exposed in recent times to another kind of threat and danger. That threat and danger, even though it cost the lives of only 5 Americans, has touched those families. But more importantly, it has put a sense of concern and perhaps even anxiety in the hearts and souls of all Americans in every part of the Nation. It is the threat of the unknown, and that is the dangers of bioterrorism. This is a real problem in a real time.

The amendment of the Senator from West Virginia is in response to that challenge. It is the first opportunity to do something. His proposal is a modest program compared to what the experts have recommended. It is a proposal that ought to be supported now.

Yesterday we heard from former Governor Ridge saying next year the administration is going to propose hundreds of millions of dollars, perhaps even billions of dollars, for homeland security to help the Public Health Service, to build the laboratories, support the personnel, support the hospitals, develop the communications systems, do what is necessary in early detection, containment, and treatment of bioterrorism. Why are we waiting for next year when the danger is here today—Friday—when we will have a chance to vote on this measure?

The sad fact is that every day we delay is another day's head start for the terrorists. While we debate, they plan. While we defer, they prepare. Even now the terrorists may be preparing fresh batches of anthrax for wider and more deadly attacks.

We cannot wait until next year to fulfill our constitutional duty to protect the American people from this threat. Every day we delay means that States cannot buy the equipment necessary to upgrade their laboratories; they cannot buy the computers and fax machines to communicate the information crucial to identifying and containing an attack; they cannot hire the personnel they need to do the work. It means another day in which hospitals cannot purchase the reserve stocks of antibiotics; cannot add emergency room capacity; and cannot improve their ability to treat infected patients.

This is the issue. The Byrd amendment responds to this in a responsible way, in a way that is consistent with

all those who know the nature of this threat. We know there is a potential danger of Ebola. We have no possible cure for Ebola. Why are we waiting to get our best scientists and researchers into the laboratories to work on this issue?

That is what the amendment of the Senator from West Virginia is all about. It is responsible, it is responsive, it is thoughtful, and it is an essential step forward in protecting American families across this country. This amendment deserves the support of all the Members.

I thank the Senator from West Virginia for his leadership in this area, as in so many other areas.

Mr. BYRD. Madam President, I thank the distinguished Senator. How much time remains?

The PRESIDING OFFICER. Nine minutes thirty seconds.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. The junior Senator from Louisiana wishes to have some time, I understand. How much time does she desire?

Ms. LANDRIEU. I would like 3 minutes.

Mr. BYRD. I yield 3 minutes to the distinguished Senator.

Ms. LANDRIEU. I thank the Senator.

Madam President, I have come to the Chamber to support the Senator from West Virginia and to associate myself with the remarks that he has made and the Senator from Massachusetts has made. This is a very critical time and a very critical consideration.

I was given a most magnificent book yesterday—it is appropriate that I would have this book in the Senate Chamber today—which says, as the Senator from Alaska and the Senator from Hawaii beautifully called to our attention this morning, December 7, that 60 years ago our Nation became one.

On September 11, our Nation became one again. I wish the camera could pick up the opening of this Time Life book that is on the stands today as we speak: A firefighter from New York and Mayor Giuliani, one of the great leaders of this tragedy. The book details in some of the most graphic, horrific pictures of the Twin Towers that no longer exist, the devastation of that day, New York, the great symbol of economic freedom and justice in the world.

The television cameras cannot grasp the significance of the devastation, but in these still pictures in this book, one can see the slight wing of the plane as it comes to hit the World Trade Tower, and then again the next picture of this plane coming from this direction, planned this way, 20 minutes later, so the world could catch the terrorists destroy the symbols of power and might of capitalism in the world because they do not like it, because it lifts millions of people out of poverty and gives hope where there is despair. They do not like what it stands for so they destroyed it.

Look at these flames. There is the body of one man burned beyond recognition. He chose to jump rather than be burned alive. There is another man crawling out of the window desperately hoping to reach the bottom from the 83rd floor which, of course, was not going to happen.

I do not know how quickly we forget—all of Manhattan up in smoke; one of the greatest cities not just in America but in the world in smoke, in flames. We think this is not going to happen again? It very well can.

In addition, not only is this an attack and a threat against our well-being, but it is an attack against our economy. Senator BYRD brings to us a responsible proposal to not only help make us more secure at home but create jobs in the spending and investments of these funds.

Today in the newspaper, anthrax was found again in the Fed's mail, anthrax found in the Federal Reserve Board of the Washington, DC, headquarters. This is what the Senator's amendment is trying to fund. I know there are disagreements about some of the details.

In conclusion, I hope we do not forget Pearl Harbor, I hope we do not forget September 11, and I hope we come together to find some kind of way to say, yes, it is important to fund the war in Afghanistan. But it is as important to contribute to the security of our buildings, our energy, our health care system at home.

I commend the Senator from West Virginia for his great work and am proud to support his efforts in the Senate.

The PRESIDING OFFICER (Mr. CORZINE). Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, when the terrible terrorist attacks occurred on September 11, the Congress immediately started to work on meeting the needs of the people affected directly. On September 18, the President had signed the bill we passed providing the authority to spend $40 billion. That $40 billion was to deal with providing Federal, State, and local preparedness for mitigating and responding to attacks; providing support to counter, investigate, or prosecute domestic or international terrorism; providing increased transportation security; repairing public facilities and transportation systems damaged by the attacks; and supporting national security.

It provided that those funds could be transferred to any Federal Government activity to meet the purposes of the act: $10 billion available to the President immediately, another $10 billion available to the President 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that department or agency, and $20 billion may be obligated only when enacted in a subsequent emergency appropriations bill.

That is this bill that is before us now. The House has passed it and the amendment that is the subject of the point of order is before the Senate. It is for the $20 billion, but it is also for an additional $15 billion beyond that.

I call attention to the Senate the fact the act that was signed by the President has these clauses in it:

> That not less than one-half of the $40 billion shall be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia, and Pennsylvania on September 11.

That is from the whole $40 billion.

> Provided further, that the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002.

That is when the first quarterly report is available. And here is the key phrase:

> Provided further, that the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this act.

Let me read that again:

> Provided further, that the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this act.

I take no joy in being part of the process to bring down the substitute that has been offered by the Senator from West Virginia. As a matter of fact, as I said before, I spent hours working on some of the details in this bill. I do not think it is politically motivated at all. It is a sincere desire to make funds available, but in many ways those funds are beyond the basic act and that is why they were designated an emergency $15 billion beyond the act, but they are for further funding requirements for the purposes specified in the act.

The President has taken the position he should be allowed to follow this law, he should be allowed to present detailed requests for the further funding requirements to meet the changed conditions of the country, in effect, following the September 11 terrorist attacks.

I originally started in the same position the Senator from West Virginia is in now. As the chairman of the committee, he had the duty to think through these things. I started out in the same position he had, but the further I thought about it and dealt with the President's request, the more I realized it was rationally based and it was what the Congress intended when

we passed the original law that provided the $40 billion.

We said the President shall submit. It was a law that demanded the President submit to the Congress as soon as practicable detailed requests to meet any further requirements for purposes specified in this act.

By bringing down this substitute, what we do is allow the President to proceed under the law we have already enacted. He will present to us further requests to meet the needs of the Nation as detailed by him sometime after the first of the year and after that first report that is going to be filed on January 2 of next year to tell us how this money he had control over, the first $20 billion, was spent.

We do not know that yet. We have estimates on how it might be spent, but we do not know how it has been spent. We will know in quarterly reports starting January 2, and the law presumes we are going to get another report every quarter on how that money was spent. That is good management.

While I regret supporting the position taken by the Senator from Texas as he has made the point of order against the substitute of the Senator from West Virginia, I think we will be back reviewing the President's detailed request early next year, and I expect that many of the requests the Senator from West Virginia has made will be honored by the Congress and by the President at that time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 14 minutes. The Senator from West Virginia has 5 minutes 15 seconds.

Mr. STEVENS. I yield the remainder of our time to the Senator from West Virginia. The yeas and nays will be ordered at the expiration.

The PRESIDING OFFICER. The yeas and nays were ordered on the motion.

Mr. BYRD. I thank the distinguished Senator from Alaska. How much time do I have now?

The PRESIDING OFFICER. The Senator now has 19 minutes.

Mr. BYRD. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we come to the conclusion of this debate, I draw to the Members' attention what those on the front lines of this battle have been saying about the need to dramatically increase our bioterrorism preparedness. It is important. They are the ones who have to deal with this challenge if we have a bioterrorist attack. They are the ones whose lives will be at risk. They are the ones who will detect and identify the threat. They are the ones who have to deal with it.

From the Association of the Public Health Laboratory: ''Through the events of the past few months we have learned just how critical our public health laboratories are to the public health system and to the nation's well-being,'' said the president, Mary Gilchrist, the president of the Public Health Laboratory. ''While State and local lab have been effective so far, they are stretched. To respond adequately to future threats we must update our labs, staffing and technology and security.''

The Byrd proposal would add the resources necessary to make us effective in dealing with this crisis.

From the National Association of County and City Health Officials—they are the first ones to detect this challenge: ''[the association] believes that every community deserves the protection of a fully prepared public health system.''

That is one of the great assets of the Byrd proposal. It will cover the whole country, not just some areas. The Byrd proposal provides the ''resources needed to build the local public health infrastructure that the country lacks.'' We urge the ''Congress to recognize the great urgency and magnitude of this task'' and support the Byrd proposal.

This is the Council of State and Territorial Epidemiologists: ''A number of the State organizations, including the Association of Territorial Health Officials, and the National Governors Association, have written to the President requesting'' the funds that are included in the Byrd amendment.

Members could say those organizations want it because they have a particular interest. The fact is, they have the responsibility. They know what is needed.

We have statements from the American Medical Association supporting the need for increased bioterrorism preparedness:

> We strongly support [this initiative] that would improve the public health, the hospital communications, the laboratory, emergency respond preparedness focusing at the State and local levels.

American Academy of Family Physicians, the family physicians who will deal with this crisis:

> By bolstering the role [in this instance] of CDC, in improving both the Federal and laboratory capacity and surveillance systems, the legislation provides the tools for early warning and quick response. And by enhancing the nation's stockpile of vaccines and by supporting the FDA's food inspection systems, the legislation builds a strong bioterrorism prevention.

Finally, the Association of American Universities:

> As you well know, this research [involving hazardous pathogens and toxic agents] is a crucial component of an effort to protect the public from terrorism and disease, through the development of vaccines, diagnostics, and cures.

This amendment moves us down the road. These are all the front line organizations. They are the ones that know what the need is. Each and every one of them rise in total and complete and wholehearted support for increasing the nation's ability to respond to bioterrorism.

I thank Senator BYRD for yielding.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, to the credit of the administration and the Congress, a scant 3 days after the assault on New York, a $40 billion emergency supplemental spending package was approved. My colleague, Mr. STEVENS, has called attention to that. At that time we could not fathom the anthrax-laced letters that were to disrupt the U.S. mail, cause the Hart Senate Office Building to close, taint letters up and down the east coast, and cause death and illness to postal workers and several other citizens who simply were unfortunate enough to open their mail.

At that point we did not know the extent of bin Laden's terror network in the United States and in 59 other countries. In the early days after the tragedy, we did not fully understand what the impacts would be on our Federal law enforcement entity. We were only just beginning to come to grips with the holes in our border security, the inadequacies of our customs inspection procedure, the potential for misuse of our largely unprotected nuclear facilities, food supplies, water supplies, and networks of communications and transportation. We had not fully come to grips with our deficit of small pox vaccines or the stretched-thin capacity of the CDC and local public health facilities and hospitals. We had no idea of the loss of life and financial devastation that had actually occurred in New York. We knew there was a deep hole in Lower Manhattan; that deep hole is still there today.

It was early at that time and we acted quickly, as we should have and did, but we did not have the full picture. Since that time we have learned much. We have learned that there are hundreds of vulnerabilities here at home. We have learned that bin Laden has thousands of faces in terrorist cells throughout the world and here at home. At a time when we are engaged in a war in Afghanistan, at a time when we are hunting bin Laden and his ilk worldwide, at a time when the administration has warned that any nation that harbors or funds terrorists might be subject to a military response from the United States, at a time when tensions in the Middle East are at powderkeg levels, I do not believe that a cut in the proposal for Homeland defense is wise or prudent.

We are in uncharted waters in stormy seas with a potential hurricane of violence just across the horizon. We know not what may be required of the brave men and women who wear the uniform of this great Nation abroad nor on how many fronts, including the homefront, simultaneously.

We may need every dollar of defense and more before it is over, but defense is defense, whether it is defense in Afghanistan or defense in New York or California or Alabama or Georgia or West Virginia. Airwars are effective, up to a point. They are also expensive. We

must not shortchange our national defense—at home or aboard.

Throughout our short history, Americans have always been able to pull out of such nosedives through a rallying of our spirit, the American spirit. Positive leadership—positive leadership by our Government, positive leadership that is not blinded by political party interests—is needed. American determination has taken on challenge after challenge and turned history our way, time after time, because we all came together.

Consider the Herculean task of building the Panama Canal; President Kennedy's call to put a man on the Moon, the Presidents' call to end the long twilight struggle of the Cold War; the phenomenal progress against cancer and other dread diseases. Americans are at their best when we actively take on a problem and marshal our energies, unblinded by political partisanship toward a goal.

But what is missing this time is bipartisanship in Washington. We talk a lot about it; we don't practice it. The people are united. As usual, they know what is important. But we do not seem to be able to pull together in this town, even in this time when the people of the United States are united. We are facing such a challenge now. Our people have responded bravely. We are aggressively pursuing terrorists and a government that sanctions terrorists in Afghanistan. But there is a need to do more here at home. The Nation needs to actively engage in a coordinated campaign to protect our people from the scourge of terrorist attacks on all possible homefronts.

We have been sent a horrifying message from the skies above New York and Washington, DC. In the evil content of tainted mail, we have seen this horrifying message. Up and down the east coast of this Nation, we have seen it.

To call these unbelievable acts a wake-up call is an understatement in the extreme. We have been roused from our sleep by a tornado of violence. We dare not risk an anemic response. To be tepid now is to be foolish. To be timid now is to tempt fate. The first responsibility of any government is to ensure the safety of the people. And tangential to that responsibility is to assure their peace of mind.

We cannot now afford the luxury of complacency. We dare not slip into a sense of false confidence. Every possible effort must be brought to bear to thwart this new and different kind of enemy, and we have not yet done enough.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I want to say what I am about to say without giving an appearance that I am saying it with rancor or that I am attempting to lecture my colleagues. I am often charged in the press with ''lecturing'' my colleagues.

I think of that great man in Roman history whose name was Helvidius Priscus. He was a Roman Senator.

The Emperor at that time was the Emperor Vespasian. He and Helvidius Priscus, the Senator, were very much at odds over a given issue, and the Roman Senate was about to decide this issue. The Emperor saw Helvidius Priscus as Priscus was about to enter the Senate. The Emperor stopped Helvidius Priscus and said: Don't go in to the Senate today.

Helvidius Priscus—ah, there was a man of courage. There was a man who saw his duty first, a man who saw his duty to the people, his duty under the Roman Constitution. And he saw through the cynical fog and kept his eyes on his duty. And he said: O Emperor, you have the power to make a Senator and to unmake a Senator. But as long as I am a Senator—and you appointed me—it is my duty to go into the Senate.

Vespasian said: All right, but don't answer any questions.

Helvidius said: If I am not asked any questions, I will keep quiet. But if I am asked a question, I must answer it.

Vespasian said: Then, if you answer it, you will die.

Helvidius Priscus responded: O Emperor, it is in your power to do what you will. It is my duty to say and do where my conscience leads me. If I am asked a question, I will answer it.

The question was asked. Helvidius Priscus answered the question—not in accordance with the Emperor's will. Helvidius did his duty. Vespasian kept his promise that he would execute Helvidius. And Helvidius Priscus died because he stood with his own conscience where duty lay, rather than with an emperor's demand with which he strongly disagreed.

I say that today so that the record for all time will be reminded of a Roman Senator who did his duty as his own conscience directed him, rather than obey a ruler's command—even though the ruler had appointed him to the high office of Senator.

Thank God we in this country of ours are not appointed as Senators by any President. When I was majority leader of the Senate and the President of the United States was Jimmy Carter, I said: I am the President's friend, but I am not the President's man. I am the Senate's man.

I don't hold myself to be a great paragon of anything. But I do believe in a Senator's constitutional oath. I am not appointed by any President, whether it is Mr. Carter, whether it is Mr. Clinton. I will be courteous, I will try to be fair with any President, but no President will tell me, as a Senator, how to vote.

Now, that ought to be the attitude of every Senator. I have seen other Senators here, on both sides of the aisle, who have stood by that duty. But I have seen a change in this body. Where are our heroes? Where are our Senators of today, Mr. President? Having been a Member of this Senate, now, 43 years, about to enter my 44th year in the Senate, my 50th year in the Congress, and in my own 85th year, I must say that it troubles me, more than anything else, to look about me and see men and women who are elected by the people of their respective States, to come here and to represent the people, who would bow the knee before any President of any party.

We have no king in this country. To those who say, ''Well, he has threatened a veto, why should we push on?'' that is as much as to say that any time a President says he will veto a measure, we as Senators should not press forward with what we believe is right, we should not do what we think is right, instead, we must listen to that threat of veto and do what the President tells us to do. That makes an emperor of a man who is not an emperor.

How much time do I have?

The PRESIDING OFFICER. Thirty seconds.

Mr. BYRD. Mr. President, I have great respect for every Senator. I have tremendous respect for Mr. GRAMM, the Senator from Texas who made the point of order. I have the highest respect for TED STEVENS on that side of the aisle. I have said that many times.

I don't indulge any rancor at all in my heart, nor should any Senator toward any other Senator. But I must say that I am troubled greatly when we have come to the point in this Republic of ours when men and women who are elected and who swear an oath to support and defend the Constitution while standing at that desk with their hand on the Holy Bible, let their political partisanship cloud their vision. The President didn't elect me. I don't say that out of disrespect for him. He didn't elect me. The people of West Virginia elected me. They elected me to use my best judgment on great national issues. They did not elect me to say whatever the President wants me to say, or to allow any President to tell me how to vote.

It hurts me in my heart to think that men and women fail to see where their duty lies under the Constitution.

I beg all Senators' forgiveness, but after being here 49 years this year, I cannot help but say that that troubles me.

When you get what you want in your struggle for pelf,
And the world makes you King for a day,
Then go to the mirror and look at yourself,
And see what that guy has to say.

For it isn't your Father, or Mother, or Wife,
Who judgement upon you must pass.
The fellow whose verdict counts most in your life
Is the guy staring back from the glass.

He's the fellow to please, never mind all the rest,
For he's with you clear up to the end,
And you've passed your most dangerous, most difficult test
If the man in the glass is your friend.

You may be like Jack Horner, and ''chisel'' a plum,

And think you're a wonderful guy,
But the man in the glass says you're only a bum
If you can't look him straight in the eye.
You can fool the whole world down the pathway of years,
And get pats on the back as you pass,
But your final reward will be heartaches and tears
If you've cheated the man in the glass.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say through you to the distinguished senior Senator from West Virginia that I can remember the first press conference we did on homeland security. I stood proudly by you on that day, and we have worked on this. He has worked on it 110 percent more than I. But I want the Senator to know that I am going to go home tonight, tomorrow, or whenever we finish this legislation, and I will be able to look in that glass because I know I did the right thing by standing next to the Senator from West Virginia on this legislation.

It is the right thing to do. It is the important thing to do. I have been around a few years. I have seen it whittled away, and they are going to try to take this from you. The reason I feel so badly about it is I don't think the country is going to be as safe for my family and the people of the State of Nevada if this amendment is taken down. It is a good piece of legislation.

I wish to publicly express my appreciation to my friend from West Virginia for allowing me to stand by him on this legislation.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. All time having expired, the question occurs on the motion to waive section 302(f) of the Congressional Budget Act. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—50

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

NAYS—50

Allard	Craig	Gregg
Allen	Crapo	Hagel
Bennett	DeWine	Hatch
Bond	Domenici	Helms
Brownback	Ensign	Hutchinson
Bunning	Enzi	Hutchison
Burns	Feingold	Inhofe
Campbell	Fitzgerald	Kyl
Chafee	Frist	Lott
Cochran	Gramm	Lugar
Collins	Grassley	McCain
McConnell	Shelby	Thomas
Murkowski	Smith (NH)	Thompson
Nickles	Smith (OR)	Thurmond
Roberts	Snowe	Voinovich
Santorum	Specter	Warner
Sessions	Stevens	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The substitute exceeds the allocation of the subcommittee in violation of subsection 302(f) of the Budget Act. The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the President repeat for the benefit of all of us, those of us who couldn't very well hear what was being said, would the Chair repeat what he just said.

The PRESIDING OFFICER. The substitute exceeds the allocation to the subcommittee in violation of section 302(f) of the Congressional Budget Act. The point of order is sustained. The amendment falls.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senate has spoken on the point of order. I ask the leadership—and I will yield to the Senator from Nevada without losing my right to the floor—if we could have a period of time during which Senators may speak, perhaps as in morning business—misstating the true purpose of morning business, but that is understood by all—so that I could meet off the floor with my own leadership, hopefully for a brief time, after which I would hope that I could meet with my own leadership, Senators DASCHLE and REID, together with my chairman of the Defense Appropriations Subcommittee and with the ranking member of the Defense Appropriations Subcommittee, in other words, Mr. INOUYE, and Mr. STEVENS, and that in the meantime, Senators can continue speaking or whatever the leadership would like to be doing. I would say that we would need probably an hour and a half, maybe a little longer, to consider the matter as it faces us now. I wonder if the leadership wishes to respond to that.

Mr. REID. I say to my friend from West Virginia, I wonder if it would be appropriate that we proceed now, if the Senator will agree, to a period for morning business for 1 hour, and then we will come back and revisit the situation.

Mr. MCCAIN. I object. I reserve the right to object. We have been on this bill now for a long period of time. There are a lot of us who want to talk about the bill, a lot of us who have a lot of amendments. It is time to move forward with the process.

I object to going into morning business. I am glad to have discussion of the legislation. I intend to speak on it at some length, and I intend to propose an amendment or amendments and begin their consideration. Those of us who strongly object to this legislation and the porkbarrel spending—it is the most egregious I have ever seen—should very soon have the right to begin amending to restore some kind of sanity and fiscal discipline to this process. So I object to going into morning business.

I will seek recognition both for addressing this legislation and for amendments. I hope there are other colleagues of mine on both sides of the aisle who share this concern.

Mr. REID. Mr. President, who has the floor, the Senator from Nevada or the Senator from West Virginia?

The PRESIDING OFFICER (Mr. WYDEN). The Senator from West Virginia has reserved his right to the floor.

Mr. BYRD. Mr. President, I yield to no man when it comes to putting the defense of this Nation ahead of all other things. I have no problem with the Senate proceeding—I expected it to at some point—with the Defense bill. I expected Senators to have an opportunity to offer their amendments. But I also think at the moment, this matter that we have thought so much about, worked hard to develop some approach; namely, homeland defense—we are at a point where we think this is the matter that is most important before the Senate.

I did not hold up this Defense appropriations bill to this point. The House did that, but I have the right—I can hold the floor also. I want to reach a sensible, commonsense conclusion to this, and I am willing to sit down with our counterparts and do so. I make no threats. The Senator is not impressed by threats. Neither am I. I am not wanting to hold up the bill ad infinitum, but it only came to us a few days ago. Our committee has responded magnificently.

The Senator can say what he wishes and do what he wishes, but there are others in here who are just as firm in our patriotism for this country as is the Senator from Arizona. If he wants to talk about pork, we will talk about pork at an appropriate time. I hear that theme song over and over and over, and I see items in the newspapers that are not accurate when they talk about pork. They are not accurate today, but this is no time to go into that. There is something more important.

If the Senator wants to object, he can object. If he thinks that will gain time, let him see.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded for the purpose of talking about Pearl Harbor Day.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

The assistant legislative clerk continued the call of the roll.

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

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

Mr. INOUYE. Mr. President, I ask unanimous consent that for the next 60 minutes no amendments be in order to the bill; that Senator CLELAND now be recognized to speak for up to 5 minutes, followed by Senator MCCAIN for 45 minutes, followed by Senator WELLSTONE for 10 minutes, and at the end of that time the majority leader or his designee be recognized.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I ask for 5 minutes at the end of that to make this a 65-minute request.

Mr. INOUYE. I am happy to add the additional 5 minutes for Mrs. HUTCHISON.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1785 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am sorry to say that whether or not we resolve our differences over spending that exceeds limits set by the Budget Act, the Department of Defense appropriations bill will still fail to meet its most important obligation. In provisions too numerous to mention, this bill time and time again chooses to fund porkbarrel projects with little, if any, relationship to national defense at a time of scarce resources, budget deficits, and underfunded urgent defense priorities.

America is at war, a war that has united Americans behind a common goal of defeating international terrorism. Our service men and women are once again separated from their families, risking their lives, working extraordinarily long hours under the most difficult conditions, to accomplish the ambitious but necessary tasks their country has set for them.

The weapons we have given them, for all their impressive effects, are in many cases neither in quantity nor quality the best our Government can provide.

For instance, stockpiles of the precision guided munitions that we have relied on so heavily to bring air power to bear so effectively on difficult, often moving targets, with the least collateral damage possible, are dangerously depleted after only nine weeks of war in Afghanistan. This is just one area of critical importance to our success in this war that underscores just how carefully we should be allocating scarce resources to our national defense.

Yet despite the realities of war and the responsibilities they impose on Congress as much as the President, the Senate Appropriations Committee has not seen fit to change in any degree its usual blatant use of defense dollars for projects that may or may not serve some worthy purpose, but that certainly impair our national defense by depriving legitimate defense needs of adequate funding.

Even in the middle of a war, a war of monumental consequences and with no end in sight, the Appropriations Committee, still is intent on using the Department of Defense as an agency for dispensing corporate welfare. It is a terrible shame and derogation of duty that in a time of maximum emergency, the Senate would persist in spending money requested and authorized only for our Armed Forces to satisfy the needs or the desires of interests that are unrelated to defense and even, in truth, uninterested in the needs of our military.

In this bill, we find a sweet deal for the Boeing Company that I'm sure is the envy of corporate lobbyists from one end of K Street to the other. Attached is a legislative provision to the fiscal year 2002 Department of Defense appropriations bill that would require the Air Force to lease one hundred 767 aircraft for use as tankers for $20 million apiece each year for the next 10 years.

The cost to taxpayers? More than $2 billion per year, with a total price tag of $30 billion over 10 years. This leasing plan is five times more expensive to the taxpayer than an outright purchase, and it represents more than 20 percent of the Air Force's annual cost of its top 60 priorities. But the most amazing fact is that this program is not actually among the Air Force's top 60 priorities nor do new tankers appear in the 6-year defense procurement plan for the Service!

That's right, when the Air Force told Congress in clear terms what its top priorities were tankers and medical lift capability aircraft weren't included as critical programs. In fact, within its top 30 programs, the Air Force has asked for several essential items that would directly support our current war effort: wartime munitions, jet fighter engine replacement parts, combat support vehicles, bomber and fighter upgrades and self protection equipment, and combat search and rescue helicopters for downed pilots.

This leasing program also will require $1.2 billion in military construction funding to build new hangars, since existing hangars are too small for the new 767 aircraft. The taxpayers also will be on the hook for another $30 million per aircraft on the front end to convert these aircraft from commercial configurations to military; and at the end of the lease, the taxpayers will have to foot the bill for $30 million more, to convert the aircraft back—pushing the total cost of the Boeing sweetheart deal to $30 billion over the ten-year lease. That is a waste that borders on gross negligence.

But this is just another example of Congress's political meddling and how outside special interest groups have obstructed the military's ability to channel resources where they are most needed. I will repeat what I've said many, many times before—the military needs less money spent on pork and more spent to redress the serious problems caused by a decade of declining defense budgets.

This bill includes many more examples where congressional appropriators show that they have no sense of priority when it comes to spending the taxpayers' money. The insatiable appetite in Congress for wasteful spending grows more and more as the total amount of pork added to appropriations bills this year—an amount totaling nearly $14 billion. And although we are 68 days into the new fiscal year, we still have four appropriations bills left to complete before we adjourn.

This defense appropriations bill also includes provisions to mandate domestic source restrictions; these ''Buy America'' provisions directly harm the United States and our allies. ''Buy America'' protectionist procurement policies, enacted by Congress to protect pork barrel projects in each Member's State or district, hurt military readiness, personnel funding, modernization of military equipment, and cost the taxpayer $5.5 billion annually. In many instances, we are driving the military to buy higher-priced, inferior products when we do not allow foreign competition. ''Buy America'' restrictions undermine DoD ability to procure the best systems at the least cost and impede greater interoperability and armaments cooperation with our allies. ''They are not only less cost-effective, they also constitute bad policy, particularly at a time when our allies' support in the war on terrorism is so important.

Secretary Rumsfeld and his predecessor, Bill Cohen, oppose this protectionist and costly appropriations' policy. However, the appropriations' staff ignores this expert advice when preparing the legislative draft of the appropriations bill each year. In the defense appropriations bill are several examples of ''Buy America'' pork—prohibitions on procuring anchor and mooring chain components for Navy warships; main propulsion diesel engines and propellers for a new class of Navy dry-stores and ammunition supply ships; and, other naval auxiliary equipment, including pumps for all shipboard services, propulsion system components such as engines, reduction gears, and propellers, shipboard cranes and spreaders for shipboard cranes.

If it was not for the great cost to our military and the taxpayer, drafting ''Buy America'' provisions must be a somewhat amusing project for staff and the Members of the Appropriations

Committee. An example of this language follows:

None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under, unless the anchor and mooring chair are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States.

That has to be entertaining to some government classes around America.

Also buried in the smoke and mirrors of the appropriations markup is what appears to be a small provision that has large implications on our warfighting ability in Afghanistan and around the world. Without debate or advice and counsel from the Committee on Armed Services, the appropriators changed the policy on military construction which would prohibit previous authority given to the President of the United States, the Secretary of Defense, and the Service Secretaries to shift military construction money within the MILCON account to more critical military construction projects in time of war or national emergency. The reason for this seemingly small change is to protect added pork in the form of military construction projects in key States, especially if such projects have historically been added by those Members who sit on the Military Construction Appropriations Subcommittee at the expense of projects the Commander in Chief believes are most needed to support our military overseas.

In the usual fashion, legislative riders that probably would not make it through the normal legislative process are tacked onto this must-pass appropriations bill. For example, a provision was added to this bill to enact legislation to federally recognize native Hawaiians, similar to the status afforded to American Indians and Alaskan Natives.

I have no objection to the substance of this legislation on its face. I do object that not a hearing has been held—no consideration, no debate—on an issue that could obligate the Government of the United States to billions and billions of dollars in funding, but also significant obligations as far as land, water, and other vitally needed national resources are concerned.

How in the world do you justify, on a Defense Appropriations Committee bill, a change in policy, a far-reaching change in policy regarding our treatment of native Hawaiians?

In fact, no one would even know what we are passing into law because only vague references are included. Only careful observers would recognize what these three lines in this appropriations bill actually stand for in a 24-page bill. Does the Appropriations Committee have any respect for the authorizing committees in the Senate?

This bill also clearly tramples on the jurisdiction of the Commerce Committee by making unauthorized appropriations out of the airport and airways trust fund, particularly for the Airport Improvement Program. There are hundreds of millions of dollars in spending out of the trust fund, perhaps as much as $715 million, that are not explicitly authorized. Furthermore, $306.5 million of the civil aviation spending in this bill was not requested by the President. Of the money that was requested, the President did not ask that it be taken out of the aviation trust fund.

Finally, the trust fund is supposed to be devoted to the infrastructure needs of the national aviation system, but this bill uses the trust fund essential air service, which may be a worthy program but is not eligible for these moneys.

Earlier this week, the Senate approved the Department of Transportation appropriations bill. That bill was an egregious overreach by the appropriators. In redirecting the programmatic expenditures and directives developed under the law by the authorizing committee, there were more than $4.1 billion in earmarked projects in that bill and a statement of managers redirecting funding that should have gone to the States but instead was used as a slush fund by the appropriators to earmark their home State projects.

Here we are, only a few days later, and we are once again facing another appropriations bill that continues the unacceptable overreaching by the appropriators with respect to authorized transportation programs. For example, under division B, chapter 10, the bill provides $100 million for Amtrak for ''emergency expenses to respond to the September 11, 2001 terrorist attacks, for necessary expenses of capital improvement.''

This funding is not authorized, nor has it been requested by the administration. The Senate-Commerce-Committee-reported S. 1550, the Rail Security Act of 2001, would authorize funding for Amtrak safety and security needs, primarily tunnel improvements in New York, Maryland, and DC. Under S. 1550, however, the funding would only be released to Amtrak after Amtrak submits a plan to the Secretary of Transportation for addressing safety and security that is then approved by the Secretary. The accompanying DOD report language states that the funding provided for Amtrak:

. . . will be used solely to enhance the safety and security of the aging Amtrak-owned rail tunnels under the East and Hudson Rivers.

However, neither the bill nor the report provides any Federal oversight by the Department of Transportation of the additional taxpayer dollars that would be provided to Amtrak.

Additionally, the bill provides for $110 million, $10 million of which was requested by the administration in ''miscellaneous appropriations'' to the Federal Highway Administration.

By the way, I want to remind my colleagues, this is a Defense Appropriations Committee bill—to the Federal Highway Administration. The accompanying report directs that $100 million of these funds be used for construction of ferries and ferry facilities in New York to cover for the loss of the PATH transit services between New York and New Jersey that have not been requested by the administration.

Not only did the administration not request the funding, it is not even clear if the ferry services being sought are the right solution. The goal should be to rebuild the PATH system, not replace it with a less efficient ferry service. While ferry service may be required, it may be a relatively short-term need and is one that can and is being addressed with current assets. Further, the bill provides $100 million for Federal transit administration capital investment grants that were not requested by the administration. The accompanying report then earmarks the entire amount for use by transit authorities most impacted by the September 11 terrorist attack.

Under division C, the DOD appropriations bill provides $12 million for shipbuilding loan guarantees under title XI of the Merchant Marine Act of 1936. This is by far the most egregious use of a national emergency designation as an excuse for porkbarrel spending that I have ever seen.

The Maritime Administration is today preparing to make one of the largest single default payments in the history of the Shipbuilding Loan Guarantee Program, due to the bankruptcy filing of the American Classic Voyages Company on its loans. MARAD has asked the Treasury for $250 million to pay off loans which have been called under American Classic's guarantees.

Further, the Department of Transportation Inspector General is investigating the loan guarantee program as a result of American Classic's default, the default of the SEAREX program earlier this year and problems with several other title XI loan guarantee projects that are having difficulties at this time.

Specifically, the inspector general is looking into the title XI procedures for submitting reviewing, approving, and monitoring title XI loan guarantees, and whether merit procedures were adequately effected and implemented in order to protect the interests of the United States. Why would we now have an additional $12 million for new loan guarantees when there are obviously problems with the program, I might add, for a program the administration has recommended not to fund at all.

While a report accompanying the bill recommends new funding to be used to

cover the loans for port security infrastructure and equipment, that is not allowed under current law. The funding will go into an account that is designated solely for shipbuilding loan guarantees. I note the bill provides $11 million in appropriations to the Maritime Administration for general port security improvements. While I fully support the need for increased security at our Nation's seaports, and I am a cosponsor of legislation that would create a new program to provide port security funding, I cannot support funding for a program in a manner that is not allowed under the law while we are in a period of deficit spending.

The President has repeatedly said that he will come back to Congress in the spring with a request for additional funding as needed, and if legislation to change the law with respect to port security funding is successful, the funding could be provided at that time. But for now, providing $12 million for shipbuilding loan guarantees at a time when the program's current and future operations are under review would be a serious breach of our responsibilities to the American taxpayer.

Under division E, the so-called technical corrections division, the appropriators do what they do best, redirect current laws developed by the authorizers. Amazingly, the appropriators are already seeking to ''correct'' the Transportation appropriations bill approved by the Senate earlier this week, and it hasn't even been signed into law.

For example, under Section 109, the appropriators take an additional $29.5 million from the State's funding that was to be distributed according to the Transportation Equity Act, TEA–21, the multiyear highway funding legislation of 1998, and to be effective through 2002, and transfer that $29.5 million to the Woodrow Wilson Bridge Project to restore the project's funding that will be reduced as a result of the enactment of the Transportation appropriations bill. This provision would now bring the total loss for the State allocation to over $450 million.

The Department of Transportation appropriations bill already has reduced the State's funding by $423 million, but this bill will ensure the Wilson Bridge Project is held harmless with respect to the appropriators' earlier funding redirectives.

Section 111 also amends TEA–21 just as it did so many times in the Transportation appropriations bill and, in this case, adds additional directives for the benefit of Alaska. Specifically, Section 111 would amend the list of high priority project designations by adding to item 1497, which states, ''construct new access route to Ship Creek access in Anchorage'' and words ''construct capital improvements to intermodal marine freight and passenger facilities and access thereto.''

Under section 112 it would amend the Department of Transportation appropriations bill which, as I just mentioned, hasn't even been signed into law. First, it would add yet another earmark in the Transportation Community System Preservation Program, a program the appropriators funded at more than 10 times the authorized level, and earmarked every cent, and directed $300,000 for the US–61 Woodville widening project in Mississippi. It then directs $5 million of the Interstate Maintenance Program for the City of Trenton/Port Quendall, WA, Project.

Haven't these States had enough earmarks already?

I note the bill would direct that $3,170,000 of the funding provided for the Research and Special Programs Administration be used for research in special programs, and $226,000 of funds provided for the pipeline safety program shall remain available until September 30, 2004.

Since when do we appropriate money beyond the fiscal calendar year?

The $273 million for the Coast Guard in the $20 billion supplemental is a plus-up of $70 million over the $203 million requested by the Administration. The Administration's request would fund the personnel costs for reserve personnel brought on active duty, purchase small boats for port security, and prevent several cutters and aircraft from being decommissioned. The additional $70 million not requested by the administration would fund $50 million for entitlements authorized by the National Defense Authorization Act (NDAA), but not provided in the Transportation appropriations act and $20 million for additional domestic port security teams.

The $12 million for the Coast Guard in the Byrd homeland defense supplemental would provide additional funding not requested by the Administration for the Coast Guard to provide enhanced port security operations and conduct port vulnerability assessments. The Department of Transportation currently has a Maritime Direct Action Group that is studying port security requirements. The administration plans to base future port security funding requests on this group's recommendations.

This legislation includes language that recommends $8.25 million for emergency grants to assist public broadcasters in restoring broadcasting facilities that were destroyed in the collapse of the World Trade Center. This provision allows public broadcasters to receive 100 percent of the total amount for cost recovery of their facilities. Other public broadcasters seeking funding for the construction of similar facilities will only receive 75 percent of the total amount, as set forth in section 392(b) of the Communications Act of 1934. This provision is inconsistent with the act and is selectively unfair to those who are seeking similar funding.

I look forward to the day when my appearance on the Senate floor for this purpose are no longer necessary. There is over $2.2 billion in unrequested defense programs in the defense appropriations bill and another $2 billion for additional supplemental appropriations not directly related to defense that have been added by the chairman of the committee. Consider what that $4.2 billion when added to the savings gained through additional base closings and more cost-effective business practices could be used for. The problems of our armed forces, whether in terms of force structure or modernization, could be more assuredly addressed and our warfighting ability greatly enhanced. The public expects more of us.

But for now, unfortunately, they must witness us, blind to our responsibilities in war, going about our business as usual.

I ask unanimous consent that a list of Appropriations Committee earmarks be made a part of the RECORD.

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

FY 2002 Defense Appropriations Pork (in millions)

DIVISION A

Operation and Maintenance, Army:	
Fort Knox Distance Learning Program	3.0
Army Conservation and Ecosystem Management	5.0
Fort Richardson, Camp Denali Water Systems	0.6
Rock Island Bridge Repairs	2.75
Memorial Tunnel, Consequence Management	19.3
FIRES Programs Data	8.0
Skid Steer Loaders	10.0
USARPAC Transformation Planning	10.0
USARPAC Command, Control, and Communications Upgrades	3.7
Hunter UAV	5.0
Field Pack-up Systems	5.0
Unutilized Plant Capacity	25.0
SROTC—Air Battle Captain	1.25
Joint Assessment Neurological Examination Equipment	3.0
Operation and Maintenance, Navy:	
Naval Sea Cadet Corps	2.0
Shipyard Apprentice Program	4.0
PHNSY SRM	15.0
Warfare Tactics PMRF	24.0
Hydrographic Center of Excellence	3.5
UNOLS	3.0
Center of Excellence for Disaster Management and Humanitarian Assistance	5.0
Biometrics Support	3.0
Operation and Maintenance, Air Force:	
Pacific Server Consolidation	10.0
Grand Forks AFB ramp refurbishment	10.0
Wind Energy Fund	0.5
University Partnership for Operational Support	4.0
Hickam AFB Alternate Fuel Program	1.0
SRM Eielson Utilidors	10.0
Civil Air Patrol Corporation	4.5
PACAF Strategic Airlift planning	2.0
Elmendorf AFB transportation infrastructure railroad alignment	12.0
Operation and Maintenance, Defense-Wide:	
Civil Military programs, Innovative Readiness Training	10.0

FY 2002 Defense Appropriations Pork (in millions)—Continued

DoDEA, Math Teacher Leadership	1.0
DoDEA, Galena IDEA	4.0
DoDEA, SRM	20.0
OEA, Naval Security Group Activity, Winter Harbor	4.0
OEA, Fitzsimmons Army Hospital	7.5
OEA Barrow landfill relocation	4.0
OEA, Broadneck peninsula NIKE site	1.5
OSD, Clara Barton Center	1.5
OSD, Pacific Command Regional initiative	7.0
OEA, Adak airfield operations	1.0
OSD, Intelligence fusion study	5.0
Operation and Maintenance, Army National Guard:	
Distributed Learning Project	30.0
ECWCS	5.0
Camp McCain Simulator Center, trainer upgrades	4.7
Fort Harrison Communications Infrastructure	1.2
Communications Network Equipment	0.209
Multimedia classroom	0.85
Camp McCain Training Site, roads	2.5
Full Time Support, 487 additional technicians	13.2
Emergency Spill Response and Preparedness Program	0.79
Distance Learning	30.0
SRM reallocation	25.0
Operation and Maintenance, Air National Guard:	
Extended Cold Weather Clothing System	5.0
Defense Systems Evaluation	2.5
Eagle Vision (Air Guard)	10.0
Bangor International Airport repairs	10.0
Aircraft Procurement, Army:	
Oil debris detection and burn-off system	5.0
ATIRCM LRIP	5.0
Procurement of Weapons and Tracked Combat Vehicles, Army:	
BFVS MOD	14.0
Bradley Reactive Armor Tiles	24.0
Arsenal Support Program Initiative	5.0
Other Procurement, Army:	
Automated Data Processing Equipment	14.0
Camouflage: ULCANS	8.0
Aluminum Mesh Tank Liner	7.5
AN/TTC Single Shelter Switches w/Associated Support	38.0
Blackjack Secure Facsimile	10.0
Trunked Radio System	2.0
Modular Command Post	5.0
Laundry Advance Systems (LADS)	3.0
Abrams & Bradley Interactive Skills Trainer	9.0
SIMNET	15.0
AFIST	9.0
Ft. Wainwright MOUT Instrumentation	6.5
Target Receiver Injection Module Threat Simulator	4.0
Tactical Fire Trucks	5.5
IFTE	15.0
Maintenance Automatic Identification Technology	6.0
National Guard Distance Learning Courseware	8.0
JPATS (16 aircraft)	44.6
Smart Truck	4.0
Aircraft Procurement, Navy:	
ECP–583	46.0
PACT Trainer	6.0

FY 2002 Defense Appropriations Pork (in millions)—Continued

Direct Support Squadron Readiness Training	5.0
Shipbuilding and Conversion, Navy:	
SSGN (AP) Program Acceleration	193.0
Other Procurement, Navy:	
JEDMICS	5.0
Pacific Missile Range Equipment	6.0
IPDE Enhancement	6.0
Pearl Harbor Pilot	5.0
AN/BPS–15H Navigation System	9.0
Tactical Communication On-Board Training	6.5
Air Traffic Control On-Board Trainer	4.0
WSN–7B	6.0
Naval Shore Communications	48.7
Missile Procurement, Air Force:	
NUDET Detection System	19.066
Other Procurement, Air Force:	
CAP COM and ELECT	10.4
Pacific AK Range Complex Mount Fairplay	7.4
UHF/VHF Radios for Mount Fairplay, Sustina	3.5
Clear Laser Eye Protection	4.0
Procurement, Defense-Wide:	
Lithium Ion Battery technology	10.0
National Guard and Reserve Equipment:	
Navy Reserve Misc. Equipment	15.0
Marine Corp Misc. Equipment	10.0
Air Force Reserve Misc. Equipment	10.0
Army National Guard Misc. Equipment	15.0
Air Guard C–130	182.0
Research, Development, Test, and Evaluation, Army:	
Environmental Quality Technology Dem/Val	10.36
End Item Industrial Preparedness Activities	20.6
Defense Research Sciences Cold Weather Sensor Performance	1.25
Advanced Materials Processing	4.0
FCS Composites Research	5.0
AAN Multifunctional Materials	2.5
HELSTF Solid State Heat Capacity	5.0
Photonics	5.0
Army COE Acoustics	5.0
Cooperative Energetics Initiatives	5.0
TOW ITAS Cylindrical Battery Replacement	3.0
Cylindrical Zinc Air Battery for LWS	2.1
Heat Actuated Coolers	2.0
Improved High Rate Alkaline Cells	1.3
Low Cost Reusable Alkaline (Manganese-Zinc) Cells	0.6
Rechargeable Cylindrical Cell System	2.0
Waste Minimization and Pollution Research	3.0
Molecular and Computational Risk Assessment (MACERAC)	2.0
Center for Geosciences	3.0
Cold Regions Military Engineering	1.5
University Partnership for Operational Support (UPOS)	4.0
Plasma Energy Pyrolysis System (PEPS)	3.0
DOD High Energy Laser Test Facility	15.0
Starstreak	16.0
Center for International Rehabilitation	2.0

FY 2002 Defense Appropriations Pork (in millions)—Continued

Dermal Phase Meter	0.6
Minimally Invasive Surgery Simulator	2.0
Minimally Invasive Therapy	10.0
Anthropod-Borne Infectious Disease Control	3.0
VCT Lung Scan	4.5
Tissue Engineering Research	5.5
Monocional Anti-body based technology (Heteropolymer System)	3.55
Dye Targeted Laser Fusion	4.0
BESCT Lung Cancer Research Program (MDACC)	5.0
Joint Diabetes Program	10.0
Center for Prostate Disease Research	7.5
Spine Research	2.5
Brain Biology and Machine Initiative	3.0
Medical Simulation training initiative	0.75
TACOM Hybrid Vehicle	2.0
N–STEP	2.75
IMPACT	5.0
Composite Body Parts	2.0
Corrosion Prevention and Control Program	2.0
Mobile Parts Hospital	8.0
Vehicle Body Armor Support System	3.8
Casting Emission Reduction Program	8.36
Managing Army Tech. Environmental Enhancement	1.0
Visual Cockpit Optimization	6.0
JCALS	12.0
Electronics Commodity Pilot Program	1.0
Battle Lab at Ft. Knox	5.0
TIME	10.0
Force Provider Microwave Treatment	2.0
Mantech Program for Cylindrical Zinc Batteries	2.6
Continuous Manufacturing Process for Mental Matrix Composites	3.0
Modular Extendable Rigid Wall Shelter	3.0
Combat Vehicle and Automotive technology	20.0
Auto research center	3.0
Research, Development, Test, and Evaluation, Navy:	
Southeast Atlantic Coastal Observing System (SEA–COOS)	8.0
Marine Mammal Low Frequency Sound Research	1.0
Maritime Fire Training/Barbers Point	3.0
3–D Printing Metalworking Project	3.0
Nanoscale Science and Technology Program	3.0
Nanoscale devices	1.0
Advanced waterjet-21 project	4.0
Modular advanced composite hull	3.0
DDG–51 Composite twisted rudder	4.0
High Resolution Digital mammography	3.0
Military Dental Research	4.0
Sonarman Easrcom Technology	0.5
Energy and Environmental Training	3.0
Precision Strike Navigator	2.5
Vector Thrusted Ducted Propeller	4.0
Ship Service Fuel Cell Technology Verification & Training Program	4.0
Aluminum Mesh Tank Liner	3.0
AEGIS Operational Readiness Training System (ORTS)	4.0

FY 2002 Defense Appropriations Pork (in millions)—Continued

Research, Development, Test, and Evaluation, Defense-Wide:	
Bug to Drug Identification and CM	3.0
American Indian higher education consortium	3.5
Business/Tech manuals R&D	4.5
AGILE Port Demonstrations	10.0
Arrow Missile Defense Program	141.7
Defense Health Program:	
Hawaii Federal healthcare network	18.0
Pacific island health care referral program	5.0
Alaska Federal healthcare Network	2.5
Brown Tree Snakes	1.0
Tri-Service Nursing Research Program	6.0
Graduate School of Nursing	2.3
Health Study at the Iowa Army Ammunition Plant	1.0
Coastal Cancer Control	5.0
Drug Interdiction and Counter-Drug Activities, Defense:	
Mississippi National Guard Counter Drug Program	2.6
West Virginia Air National Guard Counter Drug Program	3.5
Regional Counter Drug Training Academy, Meridian, MS	2.0
Earmarks:	
Maritime Technology (MARITECH)	5.0
Metals Affordability Initiative	5.0
Magnetic Bearing cooling turbin	5.0
Roadway Simulator	13.5
Aviator's night vision imaging system	2.5
HGU–56/P Aircrew Integrated System	5.0
Fort Des Moines Memorial Park and Education Center	5.0
National D-Day Museum	5.0
Dwight D. Eisenhower Memorial Commission	3.0
Clear Radar Upgrade, Clear AFS, Alaska	8.0
Padgett Thomas Barracks, Charleston, SC	15.0
Broadway Armory, Chicago	3.0
Advance Identification, Friend-or-Foe	35.0
Transportation Multi-Platform Gateway Integration for AWACS	20.0
Emergency Traffic Management	20.7
Washington-Metro Area Transit Authority	39.1
Ft. Knox MOUT site upgrades	3.5
Civil Military Programs, Innovative readiness training	10.0
ASE INFRARED CM ATIRCM LRIP	10.0
Tooling and Test Equipment	35.0
Integrated Family of Test Equipment (IFTE)	15.0
T–AKE class ship (Buy America)	
Welded shipboard and anchor chain (Buy America)	
Dwight D. Eisenhower Memorial	
Gwitchyaa Zhee Corporation lands	
Air Force's lease of Boeing 767s	
Enactment of S. 746	
2002 Winter Olympics in Salt Lake City, Utah	
Total Pork in Division A (FY 2002 Defense Approps) = $2.144 Billion	
DIVISION B	
Commerce related earmarks:	
DoT Office of Intelligence and Security	1.5

FY 2002 Defense Appropriations Pork (in millions)—Continued

Airports and Airways Trust Fund, payment to air carriers	57.0
Coast Guard, operating and expenses ($203 m was requested)	273.35
DoT Office of the Inspector General	2.0
National Transportation and Safety Board	0.836
FAA Operations	300.0
FAA Facilities and Equipment	108.5
FAA Research, Engineering, and Development	12.0
Federal Highway Administration misc approps ($10 m was requested)	110.0
Capital Grants to the National Railroad Passenger Corporation	100.0
Federal Transit Administration Capital Investment Grants	100.0
Restoration of Broadcasting Facilities	8.25
DIVISION C	
National Institute of Standards and Technology	30.0
Federal Trade Commission	20.0
Maritime Administration	11.0
Maritime Guaranteed Loan (Title XI) Program	12.0
Coast Guard, operating expenses	12.0
FAA research, engineering, and development	38.0
FAA Grants-in-AID for Airports	200.0
DIVISION E	
Woodrow Wilson Bridge Project	29.542
Research and Special Programs Administration	3.170
Pipeline Safety Program	22.786
Provisions relating to Alaska in the Transportation Equity Act for the 21st Century	
US–61 Woodville widening project in Mississippi	0.3
Interstate Maintenance Program for the city of Trenton/Port Quendall, WA	5.0
Total Earmarks in Divisions B, C, and E = $1.457 Billion	
Total = $3.6 Billion	

Mr. McCAIN. Mr. President, a lot of these I don't understand. A lot of them no one understands, and yet the money is disbursed.

I am a little bit embarrassed to note there are two additional unrequested porkbarrel projects at Camp McCain in Mississippi: Camp McCain Simulator Center, trainer upgrades; and the Camp McCain Training Site, roads.

I also am happy to see Camp McCain functioning with efficiency in defending our Nation. But I am curious why they couldn't have requested this funding.

Several at least warrant inquiry:

Rock Island Bridge Repairs; Memorial Tunnel, Consequence Management; Pacific Server Consolidation, $10 million; Wind Energy Fund; $500,000, Elmendorf Air Force Base transportation infrastructure; Clara Barton Center, $1.5 million; Multimedia Classroom, $850,000; Distance Learning, $30 million; Bangor International Airport repairs—I don't believe Bangor International Airport is a military base—that is $10 million; oil debris detection and burn-off system, $5 million; Aluminum Mesh Tank Liner, $7.1 million.

All of these may be worthwhile projects. The Department of Defense did not find them worthwhile enough to request them.

National Guard Distance Learning Courseware, $8 million; Smart Truck—that has always been one of my favorites—$4 million.

The old brown tree snake is in here; Spine Research, $20.5 million; Heat Actuator Coolers, $2 million; Starstreak whatever that is—$16 million; 3–D Printing Metalworking Project, $3 million.

None of these that I mention was requested nor given any consideration in the authorizing process.

Auto Research Center, $3 million; Bug to Bug Identification and CM—Bug to Bug—that is only $3 million; Hawaii Federal health care network, $18 million; Brown Tree Snakes, $1 million; Coastal Cancer Control, $5 million; Pacific Island Health Care Referral Program, $5 million.

There are many, and for some of them we still haven't been able to figure out exactly what they mean.

One of them is the Gwitchyaa Zhee Corporation lands; leasing of the Boeing 767s. Enactment of S. 746 means more money for the 2002 Winter Olympics in Salt Lake City, UT.

Then there are huge amounts of money for Commerce, and others, including, as I mentioned, $29 million for the Woodrow Wilson project; $22 million for the Pipeline Safety Program; U.S. 61 Woodville widening project; Interstate Maintenance Program for the City of Trenton-Port Quendall, WA.

It is quite remarkable.

Mr. GRAMM. Mr. President, will the Senator yield for a question?

Mr. McCAIN. I am glad to yield for a question.

Mr. GRAMM. I want to be sure I have it straight about this Boeing aircraft thing. Am I to understand that there is a provision in the bill that would have us lease 100 Boeing aircraft, paying $11 billion per year for the lease, and the Air Force did not ask for these aircraft? Is that right?

Mr. McCAIN. The Senator is right; only he may have left out another aspect of it. We have to spend an additional $1.2 billion in military construction to build new hangars for these aircraft because existing hangars for our existing fleet, which does need upgrading—and they have requested repair and upgrading of our existing fleet—is also an additional cost.

I would like to mention to my friend from Texas that once the 10 years is over, Boeing gets the aircraft back.

Mr. GRAMM. I know the Senator is a very senior member of the Armed Services Committee. Is there any evidence anywhere that the Air Force said it wanted these planes?

Mr. McCAIN. I have looked at the Air Force's 6-year program top priorities and their top 60 priorities. These are not in their top 60 priorities, nor in the 6-year defense procurement plan for the Air Force.

I would like to remind my friend that not long ago a major decision was

made in a competition between Lockheed Martin and Boeing for the procurement of a new fighter aircraft. Lockheed Martin won that competition.

Also, as the Senator from Texas knows, there have been many cancellations for orders from Boeing for new airliners because of the economy.

If it is the judgment of the Senator from Texas and the majority of this body and the administration that Boeing Aircraft —which, by the way, has facilities in 40 States throughout America—needs to be bailed out, then I say OK. Maybe we could write them a check for $10 billion. Maybe it is a matter of national security. But to do it this way and take 20 percent of the entire budget for new projects from the Air Force is remarkable.

I know the Senator doesn't agree with me, but this is living, breathing testimony for the need for campaign finance reform.

Mr. GRAMM. Let me pose another question, if I may. The Air Force doesn't want these planes. We are going to spend $10 billion plus another $1 billion to build hangars, and then we are going to give the planes back. Does the $10 billion sound to you like an inflated price to lease these airplanes for 10 years?

Mr. MCCAIN. Well, according to the people we talk to, it is actually about $10 billion more. I want to point out there is a provision in this bill that does not allow competition. In other words, if Airbus wanted to offer to lease their airplanes to the U.S. Air Force, they would be prohibited from doing so. So not only is it earmarked for at least $20 billion, we could purchase these aircraft outright for approximately one-third of the cost of what we are going to incur through this cockamamie leasing program.

Mr. GRAMM. And we have them for only 10 years.

Mr. MCCAIN. Yes.

Mr. GRAMM. Where does the price come from? Do you have any idea where the price came from?

Mr. MCCAIN. I have no idea. But I also point out to the Senator from Texas, these tankers have long lives—20, 30, 40 years—because we continuously maintain them and upgrade them. So after 10 years, Boeing would get these airplanes back. And it is really remarkable, it costs taxpayers $2 billion a year for a total pricetag of $20 billion over 10 years.

Mr. GRAMM. Let me ask a question. Maybe there is a shortage of tanker capacity now with the war in Afghanistan. Can we get these planes immediately? Do you know how long it is before the first one would be delivered?

Mr. MCCAIN. It is my understanding it would take 6 years to acquire these 100 aircraft.

Mr. GRAMM. So we don't get anything for 6 years.

Mr. MCCAIN. I am sure we could get a few of them right away. I have to tell the Senator from Texas, I do not think I have ever seen anything quite like this before. When we are talking about $20 billion, that, even in these days, is not chump change.

Mr. GRAMM. Well, I just want to say to the Senator from Arizona, I am sure it pains many people to hear the Senator from Arizona go through and list all the things in all these appropriations bills that nobody requested that are being funded, but I think it gives some insight into how big the level of waste is in this process and how out of control spending is. I thank the Senator for bringing it to light.

I would also say that about this Boeing proposal I do not think I have ever seen a proposal that makes less sense economically—and it is a big statement to say as Senator MCCAIN and I have been here together for 22 years. Lease something for 10 years, and pay a higher price than you could buy it for, with no negotiation of price—I guess Boeing and whoever wrote this amendment came up with a price—and no competition.

The Air Force does not want the plane, and we do not get a plane for 6 years under the procurement proposal. I am not aware there has ever been a worse proposal in the 22 years we have served together. If so, I have never seen it. I mean, that is a big statement.

Some people may think that is an overstatement—and maybe we are prone toward it—but I do not think, in the 22 years I have been here, I have ever seen anything to equal this Boeing lease agreement.

Mr. MCCAIN. I thank my friend from Texas.

Mr. President, I ask unanimous consent to print in the RECORD the prioritized list submitted by the Air Force.

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

Priority and description	Remaining shortfall	Cumulative
1 Space Lift Range Viability	53.9	53.9
2 BOS/Base Maintenance Contracts	182.1	236.0
3 Wartime Reserve Munitions Replenishment	362.0	598.0
4 Readiness Spares	46.5	644.5
5 Depot Maintenance	113.7	758.2
6 Comm Readiness I	224.2	982.4
7 Link-16/Digital Data Link	232.8	1,215.2
8 Civil Airspace Access (GANS/GATM)	50.9	1,268.1
9 ICBM Batteries	4.2	1,270.3
10 Time Critical Targeting	291.0	1,561.3
11 Real Property Maintenance 1 (1.2% PRV)	520.0	2,081.3
12 Military Personnel	71.6	2,152.9
13 Peacekeeper (PK) Retirement (Pending Congressional Approval)	12.2	2,165.1
14 Supports Future C–17 Multi-year	180.9	2,346.0
15 Target Drones (Aerial Targets)	6.2	2,352.2
16 Combat Support Vehicles	51.2	2,403.4
17 Comm Readiness II	325.9	2,729.3
18 Bomber Upgrades	730.7	3,456.0
19 Fighter Upgrades	640.9	4,100.9
20 JPATS Disconnect	5.8	4,106.7
21 BRAC	22.0	4,128.7
22 Aging Aircraft Enablers	30.0	4,158.7
23 T&E Maintenance and Repair (M&R)	45.0	4,203.7
24 Real Property Maintenance II (1.6% PRV)	679.6	4,883.3
25 F–16 SEAD	331.3	5,214.6
26 Contractual Commitments	123.6	5,338.2
27 Munitions Swap Out/Cargo Movement	127.0	5,465.2
28 Classified	89.8	5,555.0
29 Comm Readiness III	130.6	5,685.6
30 Military Family Housing Investment	138.0	5,823.6
31 Real Property Maintenance III (2.0% PRV)	746.0	6,569.6
32 Fighter/Bomber Self Protection	45.0	6,614.6
33 ISR Upgrades	127.0	6,741.6
34 Combat Search and Rescue	128.7	6,870.3
35 Ground Training Munitions	19.0	6,889.3
36 Antiterrorism/Force Protection II	24.6	6,913.9
37 ICBM Sustainment Shortfall	56.0	7,014.8
38 Full Combat Mission Training	44.9	6,958.8
39 Weapon System Sims	44.1	7,058.9
40 AEF Combat Support	27.3	7,086.2
41 Theater Missile Defense	24.7	7,110.9
42 EAF NBC Training & Equipment	56.2	7,167.1
43 Science & Technology	104.4	7,271.5
44 Space Surveillance/Control	8.1	7,279.6
45 Recruiting & Retention	27.5	7,307.1
46 Space Ops Training-Simulator	85.0	7,392.1
47 C–130J	81.0	7,473.1
48 Missile Defense Enablers	150.0	7,623.1
49 MILSATCOM Shortfall	37.6	7,660.7
50 GPS Anti-jam User Equipment	25.8	7,686.5
51 Nuclear Detonation Detection Sustainment	12.0	7,698.5
52 DoD/Intel Community Space Coop	8.0	7,706.5
53 NORAD/USSPACE Warfighting Support	11.5	7,718.0
54 Space Maneuver Vehicle (SMV) Ops Demo	31.0	7,749.0
55 USAFA Logistics Support	8.3	7,757.3
56 Space Warfare Center (SWC) Shortfalls	16.5	7,773.8
57 Carryover	275.8	8,049.6
58 MILCON	1,029.7	9,079.3
59 AFRC	52.0	9,131.3
	9,131.3	

Mr. MCCAIN. If you look at No. 1 through No. 59 on the list of priority items, there is no request for Boeing 767s. I agree with the Senator from Texas, I have never seen anything quite like it. You would think that just the size of this leasing—the $20 billion deal, plus the $1.5 billion for the construction of the hangars, et cetera, not to mention the cost of reengineering the airplanes, which the taxpayers will pay for, and the deengineering of the airplanes—you would have thought at least there would have been a hearing—a hearing, some kind of a hearing in the Armed Services Committee when you are talking about this kind of an amount of money. But instead, we had to thumb through the appropriations bill, and all of a sudden it came upon us.

Mr. KYL. Mr. President, will the Senator from Arizona yield for a quick comment?

Mr. MCCAIN. I am happy to yield to the Senator.

Mr. KYL. I just say to the Senator, in the time I have served with my colleague from Arizona, he has never flagged in his effort to save taxpayer money, and he looks for the kind of pork projects that he has identified over the years in all of the different bills. The bill before us happens to relate to defense.

I am sure it does not give any pleasure to my colleague from Arizona, anymore than it does any of the rest of us, to be talking about these things with regard to the Defense Department while there is a war on.

But I recall comments yesterday from the Secretary of Defense who was briefing us on the war effort, and in a great fit of patriotism, one of my colleagues said to him: So, Mr. Secretary, we want you to know we are all for you. We are for the troops. What else can we do to help you?

His immediate response was: Well, we could start with base closures and stop funding things that I have not asked for and start funding things I have requested. That is what you could really do to help.

And the pretty universal reaction among our colleagues was: Well, other than that, what could we do to help you?

So my point, Mr. President, is to compliment my colleague from Arizona. He has been fighting this battle for a long time. It does not give us any pleasure to point these things out, but it is critical, if we are really serious about supporting the troops we put in harm's way, that we try to focus on the priorities we need the most and not fill the bill up with special projects for people who have special status in the Congress.

So I compliment my colleague for the work he is doing. I hope later we will have an opportunity to offer amendments to deal with some of this.

Mr. MCCAIN. I thank my friend from Arizona, who has been steadfast.

But I would ask for the consideration of my colleague from Texas and my colleague from Arizona, and all others who are concerned about this. Perhaps it might not be a bad idea if we proposed a substitute, that we sheared all of the pork off it and proposed a substitute that was just the fundamental requests of the administration and all those projects that have gone through the normal authorizing and appropriations process. I think that would be a very interesting vote.

I say to my colleagues that maybe we ought to try that, since none of these other things seem to be working—maybe just the bill that contains the requested and authorized and within the budgetary restrictions of the budget process.

Mr. GRAMM. Let me be sure I understand. You are saying you have all these programs in here that nobody ever asked for: these planes the Air Force does not want, paying more to lease them than we could buy them and what you are proposing——

Mr. MCCAIN. If I may interrupt, billions of dollars that have nothing whatsoever to do with defense.

Mr. GRAMM. The proposal you are talking about is to take all those out and then ask the military, if they had a chance to spend the money, what would they spend it for?

Mr. MCCAIN. Absolutely.

Mr. GRAMM. Well, it seems to me you could do that by striking all of these add-ons and basically asking the Defense Department to submit a list, and then give Congress the ability to say yes or no; and if we said yes, you would release the money. I think that might be an interesting way to go about it. I commend that to my colleague.

Mr. MCCAIN. I thank my colleague from Texas.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Texas is recognized to speak for up to 5 minutes.

Mr. CONRAD. Mr. President, might I ask the Senator from Texas to delay for just a moment so we might seek a unanimous-consent agreement?

Mrs. HUTCHISON. I will, Mr. President.

Mr. CONRAD. I thank the Senator from Texas.

I am just wondering if we can have in place an agreement that the Senator from Texas would speak, and then the Senator from Minnesota would proceed, and then I would like to have the chance to respond to the remarks of the Senators from Arizona and Texas with respect to this lease agreement, because there is another side of this story that has not been told that I think would be important for our colleagues to hear.

I ask unanimous consent, on behalf of myself and the Senator from Washington, that I be granted 10 minutes for myself, 10 minutes for the Senator from Washington, and that the Senator from Iowa—you would like how much time? Five minutes. I ask unanimous consent that following the Senator from Texas and the Senator from Minnesota, I be recognized for 10 minutes, the Senator from Washington be recognized for 10 minutes, and the Senator from Iowa be recognized for 5 minutes.

Mr. REID. Mr. President, reserving the right to object, Senator WELLSTONE has 10 minutes under the order previously entered to speak. I would ask that he be given that right as soon as the Senator from Texas completes her remarks.

Mr. CONRAD. That is part of our request.

Mr. REID. I would also say, just so the Members here have some idea what is going on, we are going to be in a parliamentary situation, as soon as this morning business talk is completed, to begin the offering of amendments.

There are a number of people who have expressed a desire to offer amendments. Just to get this started someplace, the Senator from Minnesota would be recognized to offer his amendment following the statement of the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Reserving the right to object, I will not object, but I would like to clarify, we have now added 25 minutes beyond the original unanimous consent. And my question, before this unanimous consent goes forward, is, Would we be encroaching on the ability to get directly to the bill so that we can start the amendment process by adding this many extra minutes?

Mr. REID. I respond to the Senator from Texas, the answer is yes. The Senator from Arizona has made a number of statements to which somebody has to respond. Whether they do it now or at some later time, they will be responded to. I thought this would be an appropriate time to get into this. As soon as it is completed, we will get into the amendment process. There are other Senators—not too many—who have expressed a desire to offer amendments. The first would be the Senator from Minnesota.

Mrs. HUTCHISON. I would just ask if we could assure that if we have the capability to go directly to the bill, that that take precedence, and then all of us have the ability to speak in some shortened way to assure we can get onto the bill and start this amendment process. It would seem that we would have plenty of time to be able to debate once we are on the bill; is that correct?

Mr. REID. The answer is, if the Senator would allow us to have this consent agreement entered, I think it would expedite things a great deal. We could get to the substance of the legislation.

The PRESIDING OFFICER. Is there objection to the consent request?

Mr. MCCAIN. Reserving the right to object, I don't understand the unanimous consent agreement.

Mr. REID. I say to my friend from Arizona, the Senator from Texas will speak for 5 minutes; the Senator from North Dakota, 10 minutes; the Senator from Washington, 10 minutes; the Senator from Iowa, 5 minutes. That would be following the Senator from Minnesota, who already has 10 minutes. Then he would offer his amendment when the morning business time is completed.

Mr. MCCAIN. Further reserving the right to object, does the Senator then plan on voting on that amendment?

Mr. REID. We can do that. Whatever Senators DASCHLE and LOTT decide. We could either vote on that or someone else could offer an amendment and vote in a stacked fashion. Whatever the leadership decides.

Mr. KYL. Reserving the right to object, might I inquire what that amendment is seeking to amend?

Mr. REID. I don't know. Do you mean what part of the bill?

Mr. KYL. We have the House bill before us at this point.

Mr. REID. I say to the Senator from Arizona, what we thought would expedite matters also, Senators INOUYE and STEVENS and BYRD are working on a substitute. We have an agreement here that we put in so people will just offer amendments. At such time as that substitute is entered, they would apply. If somebody objects to that, we will just wait around until the substitute is done. We thought we could save time by doing that.

Mr. KYL. Mr. President, I would object. It seems to me we could talk about the amendment. It is then a mere formality, once we know what it is we are amending, to simply lay down the amendments.

Mr. REID. I say to the Senator from Arizona, we don't need permission to offer amendments. We can offer them. It doesn't take unanimous consent to offer amendments.

Mr. KYL. Mr. President, I understand. What I am objecting to here is an order in which there would be a specific amendment that would be preferred to any others at the time there is a substitute offered.

Mr. REID. I appreciate that. Whoever gets the floor can offer an amendment. If the Senator would rather play jump ball, that is fine. The only part of the unanimous consent agreement I delete is the fact that Senator WELLSTONE would be the first to offer an amendment.

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

The Senator from Texas is now recognized.

Mrs. HUTCHISON. Mr. President, I am very pleased that we are beginning to get down to the serious business of passing the Defense appropriations bill. I hope we will be able to do that, perhaps next week. I don't know what the timetable will be. I don't want to stop the amendment process because there are legitimate differences.

The bottom line is, the Defense appropriations bill must be passed, and it must be passed in a form that the President can sign it.

The President has shown the leadership. He has told the Senate what his parameters are. He has made his budget submission to Congress so we know what the President's priorities are. And further, he has said he is going to keep the agreement that he made with the Democratic leaders in the House and Senate about the upper limit of that bill. I think it is incumbent on us to work within that framework to pass a bill that the President can sign.

This is a bill that will add $26 billion more to defense spending than we passed last year. Today we are operating on last year's budget because the fiscal year ran out on October 1. So we are operating under a smaller budget in a time of great need in our military. It is our responsibility to pass a bill after our legitimate differences have been ironed out so our military will have the added $26 billion to fight this war. That is the bottom line.

I appreciate the differences. They are legitimate. But it is time for us to get onto the bill, discuss those differences, and have a game plan for when the bill can be finished.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that Senator MURRAY of Washington, Senator GRASSLEY of Iowa, and myself be permitted to go in front of Senator WELLSTONE. He himself has proposed this, so I know it is OK.

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

Mr. CONRAD. Madam President, I rise to answer some of the charges made by the Senator from Arizona with respect to this lease agreement between the Air Force and Boeing to acquire 100 Boeing 767s to replace 100 of the aging KC–135 tanker aircraft for the U.S. Air Force.

The Senator from Arizona and the Senator from Texas have suggested that this is a matter of the appropriators requiring the Air Force to acquire planes that are not a priority for the U.S. Air Force. That is wrong. That is not even close to being right.

I know something about this, not because I am an appropriator, I am not. I know something about it because, as chairman of the Budget Committee, we saw in the appropriations bill a proposed lease agreement that we did not regard as a true lease. So I became involved in this effort and learned a good deal about what is being discussed.

First, the Air Force is not required to lease planes from Boeing or anyone else. The statement of the Senator from Arizona that the Air Force is being required to lease planes from Boeing or anywhere else is simply not true.

I direct my colleagues to the language that is before us:

> The Secretary of the Air Force may, from funds provided in this act or any future appropriations act, establish a multiyear pilot program for leasing general purpose aircraft for tanker purposes.

That is what this is about. This is no requirement. This is an authorization so that if the head of the Air Force determines it is in the national interest to do so, they can acquire planes through the leasing process.

As I became involved in this matter, General Jumper, who is the head of the U.S. Air Force, called me personally on three occasions to say how urgently needed these planes are.

The Senator from Arizona and the Senator from Texas have suggested the Air Force does not want these planes. The head of the Air Force, General Jumper, called me on three occasions saying these planes are desperately needed and asked me not to stop the acquisition through lease of these aircraft. General Jumper made this case to me.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. CONRAD. I will not yield at this point.

Mr. MCCAIN. I did not think so.

Mr. CONRAD. Let me complete my remarks and then I will be happy to yield to the Senator from Arizona. I say to the Senator from Arizona, I hope he will stay and listen because the Senator from Arizona provided a good deal——

Mr. MCCAIN. You do not want to answer a question and have a dialog. You will not do it.

Mr. CONRAD. I say to the Senator, this is on my time. The Senator provided a good deal of misinformation to our colleagues. It is unfortunate he does not want to hear the other side of the story.

General Jumper, who is the head of the Air Force, said to me the Air Force currently has 500 KC–135 tanker aircraft. The average age is 43 years; 100 of the 500 planes are in the depot for repair at any one time. Some have been in the depot for repair as long as 600 days.

The Senator from Arizona and the Senator from Texas said this is not a priority for the Air Force. I do not think they are right when the head of the Air Force calls me and says it is an absolute priority. They are talking about past history. They are talking about before the attack on this country that occurred on September 11.

General Jumper said to me: Senator, the attack has changed everything. We now have to fly air cover over 26 American cities. We are providing the air bridge for half a world away to Afghanistan. These planes are being flown at an OPTEMPO that requires us to replace them sooner than was anticipated.

This is the head of the Air Force, and the Senator from Arizona and the Senator from Texas say it is not an Air Force priority? They better call the Air Force and ask them what their priorities are, and they better talk about the priorities that exist now, not the priorities that existed before this country was attacked.

The lease agreement that was proposed between the Air Force and Boeing did not meet our test for lease agreement. That is why I became involved. It is the only reason I know anything about this. As a result, I convened a meeting on November 1 with the Air Force, the head of the Congressional Budget Office, the top management of the Office of Management and Budget, Senator INOUYE, Senator STEVENS, and the Senators from Washington to hear from OMB and CBO on their objections to this agreement. CBO and OMB said they would score this lease agreement not as a lease but as a purchase costing $22 billion. We then worked with the Congressional Budget Office to structure a true lease agreement.

The Senator from Arizona says to our colleagues this would cost five times as much as a direct acquisition. That is absolute sheer nonsense. The fact is, to acquire these planes would cost $22 billion. To lease the planes costs $20 billion. In the math that I learned in North Dakota, $20 billion is less than $22 billion. Where the Senator from Arizona ever came up with the wild claim that this costs five times as much as an acquisition is beyond me because it is absolutely not accurate.

When we come out on the floor, it seems to me we have some obligation to report accurately to our colleagues. I do not hold it against anybody to come out here and offer an amendment on any matter, but there is some obligation to be accurate in reporting to our colleagues.

The only reason I got involved in this is because we saw a lease agreement that was truly not, according to the Congressional Budget Office and Office of Management and Budget, a lease. That is the reason I have learned what I have learned. But for the Senator from Arizona to come out here and assert the Air Force does not want these planes is not true. For him to assert that it is not a priority is not true. It may have been the case before the war occurred, but it is not the case now.

The simple fact is, the head of the Air Force himself has called me directly on three occasions to talk about this specific issue and to ask me not to block the acquisition of these planes, which I was prepared to do until they entered into what is, in fact, a lease agreement, a lease agreement that costs less than acquiring these planes directly.

As I have indicated, the head of the Air Force said to me, these planes are urgently needed in the national security interest of the United States of America. That is what General Jumper said to me on repeated occasions. I hope when we vote on this matter, we vote based on facts.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. It is my understanding I have 10 minutes under the time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I ask unanimous consent that the Senator from Kansas be allowed 3 minutes, and the Senator from Washington be allowed 2 minutes following my remarks, before the Senator from Iowa, on the same topic we are now discussing.

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

Mr. GRASSLEY. What does the Chair mean without objection? The Chair did not ask if there was any objection.

The PRESIDING OFFICER. Will the Senator from Washington restate the unanimous-consent request.

Mrs. MURRAY. I ask unanimous consent that the Senator from Kansas have 3 minutes, and the Senator from Washington 2 minutes, before the Senator from Iowa.

Mr. GRASSLEY. I hope it is after because I informed the Senator from Kansas I wanted to be out of here by 2:30 p.m.

Mr. ROBERTS. She only had 10 minutes to begin with.

Mr. GRASSLEY. I am sorry. If it is out of the 10 minutes of the Senator from Washington, that is OK.

Mrs. MURRAY. Madam President, I ask unanimous consent that following the remarks of the Senator from Iowa, the Senator from Kansas have 3 minutes, and the Senator from Washington State have 2 minutes on the topic of the 767s.

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

Mrs. MURRAY. Madam President, first of all, let me thank the Senator from North Dakota, the Budget Committee chair, for his strong remarks following the comments from the Senator from Arizona on the lease provisions of the 767s that are in the Defense bill before us.

I am extremely concerned for our country, for our military and, of course, for my own home State. In my home State, we have Fairchild Air Force Base which is home to the 92nd Air Refueling Wing. There are approximately 60 air refueling tankers that are based at that base outside of Spokane, WA.

I have been to Fairchild. I have visited personally with the families. I know the difficult missions these crews handle for each one of us every day, and I have the utmost respect for what they do.

I should also mention, in September some of these crews and these tankers were deployed in our military effort. So when the Air Force tells me, and they have told us, and tells Congress, and they have told Congress, that replacing the old KC–135 tankers is critical, I know it is important and my constituents know it is important. My State is home to Boeing, which would build the tanker replacements.

My friend from Arizona suggests the Senate should reject this proposal simply because it would benefit the manufacturer of the planes. Well, that argument ignores the facts. These tankers are the oldest planes in our fleet. They cost a fortune to maintain and they are often down for repairs. Since September 11, we rely on them more than before. We are going to have to replace these aging tankers anyway, and if we do it now, we will save at least $5.9 billion in maintenance and upgrades on these antiquated tankers. This is something the Air Force has been concerned about for years.

It is clear we need to take immediate action to upgrade our overburdened tanker fleet, but do not take my word for it. Listen to what the Secretary of the Air Force, James Roche, wrote to me: The KC–135 fleet is the backbone of our Nation's global reach, but with an average age of over 41 years, coupled with the increasing expense required to maintain them, it is readily apparent we must start replacing these critical assets.

He ends: I strongly endorse beginning to upgrade this critical warfighting capability with the new Boeing 767 tanker aircraft.

That is from the Air Force Secretary, James Roche.

Will this help the people of my State? Absolutely. Because of the layoffs at Boeing since September 11 and the slowdown of our economy, my State now has the highest unemployment of any State in this Nation. The people I represent are hurting, and I am going to do everything I can to help them.

This is not just about my State. Every State involved in aircraft production will benefit. Even the home State of my friend from Arizona would stand to gain if this program moves forward. It is in our national interest to keep our only commercial aircraft manufacturer healthy in tough times, to keep that capacity, and to keep that skill set.

The Air Force has identified this as a critical need. Our ability to project force, to protect our shores, and to pursue terrorists in Afghanistan and around the world depends on our fighter aircraft and bombers being able to stay in the air for long periods of time, and that is only possible through inflight refueling.

Right now in the Afghanistan campaign, we rely on air refueling tankers known as KC–135s. In fact, since September 11, our use of these tankers is up significantly. We rely on these tankers to refuel our fighters over Afghanistan. We rely on them to refuel our B–2 and B–52 bombers on long-range missions. We rely on them to refuel the planes that view our troops in the region. Right now, in the skies over this Capitol Building and cities across America, we are relying on them to refuel the planes that are flying combat air patrols for homeland security.

There are very real problems with our existing fleet of tankers. They are old. The KC–135s were first delivered in 1957. On average, they are 41 years old, and we are paying for it. They have been around longer than most of the people who are flying them. These tankers are too expensive to maintain. A 41-year-old aircraft runs on parts that are not commercially available. Corrosion is a significant problem. In fact, KC–135s spend 400 days in major depot maintenance every 5 years.

This is an essential program. We will save $5.9 billion in upgrade and maintenance costs. By moving forward with this program, we can save $5.9 billion. These numbers come not from me but from the U.S. Air Force.

This is a longstanding need, and it is made even more urgent by 9–11. I want to be clear. This is a serious need that was identified by the U.S. Air Force long before September 11. It is not a new idea, but given the ongoing war and the new challenges we face with homeland security, it is clear we need to speed up the procurement process because relying on these planes is what we are doing after September 11. We have worked hard for these provisions.

I commend the Senator from Alaska and the Senator from Hawaii, who are managing this bill, who have worked long and hard hours to come together with an agreement on the critical replacement of these KC–135s with the new tankers. I thank Senator CONRAD and Senator DOMENICI, the chair, and ranking member of our Budget Committee, who have worked long and hard also. I recognize my colleague from Washington, Senator CANTWELL, who, too, has spent many hours sitting in Senators' offices explaining to them the need both from the Air Force and from our home State.

This is a critical program. It is the right way to do it. We have worked out a consensus among everyone who moves this program forward and, most importantly, it is for the men and women who serve us in the Air Force.

When I go home when this session is over, and I go to one of our Air Force bases in my home State of Washington, I want to be able to look in the eyes of those young men and women we are sending a continent away to defend and protect all of us and say we have done

everything we can to make sure they are safe when they are in the air. That is what this provision does.

When the Senator from Arizona offers his amendment, I hope my colleagues remember the men and women who are serving this country.

The PRESIDING OFFICER. The Senator from Iowa.

ECONOMIC STIMULUS

Mr. GRASSLEY. Madam President, I rise to give a status report on the negotiations of the economic stimulus. I report to the Senate as the lone Republican Senate negotiator.

Yesterday's Roll Call quotes numerous Democratic Senators as saying Senate Democrats won't agree to any stimulus deal unless the package has the support of two-thirds of the Democratic caucus. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From Roll Call December 6, 2001]

DEMOCRATS SET STIMULUS HURDLE; SENATORS REQUIRE SUPERMAJORITY

(By Paul Kane)

Setting a high threshold for negotiating an economic-stimulus package, Senate Democrats have decided they will not accept any deal unless roughly two-thirds of their caucus agrees to support the final product.

Before agreeing to begin bipartisan, bicameral negotiations on a final stimulus plan, Majority Leader Thomas Daschle (S.D.) told his caucus last week that Democratic Senators in the House-Senate conference would not agree to a stimulus deal if there was significant opposition from within Democratic ranks.

''They're not going to agree to anything unless a significant majority of the caucus agrees with it,'' said Sen. Kent Conrad (D-N.D.), chairman of the Budget Committee and a Finance Committee member. ''It's got to be a significant majority, two-thirds of the caucus.''

Other Democratic Senators confirmed that the high bar for a stimulus deal was set around a two-thirds majority, although some said Daschle left wiggle room in case he feels the deal is good and he doesn't have precisely that much support.

''I don't think it's a hard-and-fast number,'' said Sen. John Breaux (D-La.), a senior Finance member.

Breaux said he remained hopeful that a deal could be reached that would gain enough Democratic support for a final package, but added, ''It's going to be tough.''

Asked about the threshold for reaching a deal, Sen. Jim Jeffords (I-Vt.) said, ''It's a high one.''

Negotiations continued yesterday among six key lawmakers trying to hammer out a stimulus deal: Senate Finance Chairman Max Baucus (D-Mont.); Sens. Jay Rockefeller (D-W.Va) and Chuck Grassley (R-Iowa), ranking member on Finance; House Ways and Means Chairman Bill Thomas (R-Calif.); House Majority Leader Dick Armey (R-Texas); and Rep. Charlie Rangel (D-N.Y.), ranking member on Ways and Means.

Although some progress was reported on those talks, Senate Republicans worried that the Democrats were setting an impossible bar for reaching a deal and openly questioned whether Baucus' caucus colleagues trust the Montana Senator, who helped Grassley write a $1.3 trillion tax cut last spring.

''I would hope we would not put [in place] this artificial threshold that is almost impossible to achieve,'' said Sen. Olympia Snowe (R-Maine), a key moderate on Finance. ''Why do that? To set up failure? I hope not.''

Snowe said the narrow margin in the Senate gave neither side the right to predetermine how many votes would come from their caucus, but rather mandated that negotiators shoot for a deal that cobbles together 51 votes, or 60 if needed to break a filibuster. ''That is the essential marker here,'' she said.

An aide to Senate Minority Leader Trent Lott (R-Miss.) indirectly suggested that Daschle and Democrats simply don't trust Baucus. ''Senator Lott has said this before and he'll say it again: He has every confidence in Senator Grassley's ability to negotiate a real economic security package on behalf of Senate Republicans,'' said Ron Bonjean, Lott's spokesman.

Baucus drew the ire of many Democrats when he and Grassley co-wrote the Senate tax package, most of which became law. On final passage, the bill was supported by just 12 Democrats. In the process, Baucus received numerous tongue lashings from colleagues at Democratic caucus meetings, including one exchange in which Daschle told Baucus he did not have ''the authority'' to negotiate a deal with Grassley.

Conrad acknowledged that requiring a caucus supermajority for the stimulus deal was ''unusual'', but said the circumstances in this negotiation—not the party's faith in Baucus—necessitated setting the high threshold. Conrad recalled Senate Democrats setting similar bars for approval of year-end budget deals in the early 1990s, including the 1990 compromise struck with the first Bush administration.

''We've not had an ending to a session quite like this one,'' Conrad said, noting that the Sept. 11 attacks, anthrax letters and a worsening recession have contributed to leaving Congress months behind in finishing up its business. ''It's important that the caucus be behind any deal. We're not going to sign up to anything unless a substantial majority agree.''

Conrad noted that it was both Daschle and Baucus who made the pledge to the caucus that a two-thirds majority would be required for a deal—a promise made at a caucus meeting held last Thursday to discuss the stimulus negotiations.

Jeffords, who caucuses with Democrats, said the feeling was that the stimulus plan was so crucial that everyone agreed a wide consensus was needed, not that the Senators needed any check on Baucus. ''Max is doing a good job. I haven't heard anybody complaining.''

Aides to Baucus agreed that the caucus is unified in this approach, noting that his plan to expand unemployment and health care benefits and reduce some business taxes had unanimous support in the body.

''We're hopeful that the package we negotiate is one that reflects the solid core principles we've been talking about since the beginning of this debate,'' said Michael Siegel, Baucus' spokesman.

Other Democrats contended that the bigger problem with negotiations is trying to forge a compromise with the House Republican plan, which is primarily titled toward business taxes. Digging in for a fight, Senate Democrats from both wings of the caucus said they would rather kill the stimulus plan than give away too large a corporate tax break.

''The better alternative may be no bill at all,'' said Sen. Robert Torricelli (N.J.), one of the 12 Democrats to support the tax-cut bill in the spring. ''I would rather see that money stay in the treasury.''

''I would rather see no stimulus than that,'' said Sen. Dick Durbin (Ill.), an assistant floor leader to Daschle.

Durbin said it was increasingly doubtful that a stimulus plan would pass, considering there are just two weeks left before the Christmas break. He noted it took a week to lay the ground rules for the conference and determine who would take part.

''Do the math. We took a week to set the table and say who would sit where,'' he said.

Not a negotiator himself, Daschle has set up a system to monitor the talks, including Breaux, a key moderate, in postconference meetings in his office with Baucus, Rockefeller and possibly Rangel.

Before substantive talks began this week, Rockefeller signaled that he intended to take a very hard line on the package. ''I'm not much of a compromiser,'' he said.

But Baucus believes that moves by Thomas this week to offer unemployment extensions were a sign of compromises to come, Siegel said. ''It's clear that we're making progress.''

The entire Democratic caucus, however, will be the final jury on that outcome. ''It was a commitment people wanted to hear,'' Torricelli said of the two-thirds majority decision.

Mr. GRASSLEY. As a preliminary comment, I want everyone to know something loud and clear. We are all here to do the peoples' business. My Republican caucus is here to do the peoples' business. We are in an extraordinary time. Our Nation is at war. Our Commander in Chief, President Bush, is occupied with the war effort. Our responsibilities to the people that sent us here are always high, but, extraordinarily high in this time of war. This is not a time to play political games with the people's business. In my view, we have a high duty to deliver a legislative product to the President on economic stimulus and aid to dislocated workers. I have committed all of my energy to get to the goal line on a package. I believe my chairman, Senator BAUCUS, also sincerely wants a stimulus package that the President can sign. When you look at the record, however, I am doubtful the Senate Democratic leadership really wants a package.

The President took the lead by proposing economic stimulus measures and a package of aid to dislocated workers. Chairman Greenspan gave us a green light on this effort about 2 months ago. The House passed a bill that the Senate Democrats, with some justification, viewed as partisan. The Senate Democratic leadership then responded with its own partisan bill, shut out all Republicans, and rammed it through the Finance Committee on a party-line vote. That partisan stimulus package dead-ended here on the Senate floor. We were stuck on in a partisan rut for awhile.

After much negotiation, the House and Senate leadership on both sides agreed to an extraordinary procedure. It is what I would call a ''quasi conference.'' This agreement contemplates a conference agreement even though the Senate did not pass a bill on the subject matter. This agreement was a major concession by the House to Senator DASCHLE's insistence that Democrats have only one negotiation. Keep

in mind Senator DASCHLE insisted on one negotiation with a partisan product that has not passed the Senate because it was designed to be partisan. Republicans accommodated the Senate Democratic leadership. After that agreement was reached, I felt some optimism. It seemed that all sides realized it is our job to get this legislative product to the President. My optimism was a bit premature.

Now, there has been a lot of speculation about whether the Senate Democratic leadership really wants a stimulus deal. Some say that, inspired by Democratic interest groups and strategists, the Senate Democratic leadership has concluded that it is better to have an issue. The speculation is that, armed with polling data, the Senate Democratic leadership has decided on a strategy of covertly killing a stimulus package, while maintaining a public profile of support. If the economy doesn't recover, better to save the issue to use against the President and the other side for the fall 2002 elections. If the economy does recover, from a political standpoint, what is lost. Better to wait and see, the speculation runs, than to give any more tax relief at this time.

Mr. President, such a strategy, if it is the case, is particularly disappointing in wartime. It is a cynical strategy. If true, it short changes American workers and struggling business for an anticipated political shot. It makes economy recovery and aid to dislocated workers secondary to a partisan political objective. I ask, is that how we ought to be operating in wartime? Though I have heard and read this speculation, I had hoped that it was not true.

So, let's say I was a bit shocked when I read the Roll Call article yesterday. After reading the article, I concluded Democratic leaders are traveling back in time. They are regressing, not progressing. They are regressing to earlier contentions that the stimulus package had to be a Democratic product or nothing at all. I thought we had moved past that and on to negotiations to build a bipartisan stimulus package.

Instead, it appears the Democratic leaders don't want any real compromise. First, they have engineered a nearly impossible threshold. Second, they are conducting what appear to be required consultations between the Democratic negotiators and the rest of the Democratic caucus. If they are trying to prevent a stimulus deal, this is the way to do it.

It is important to remember the Senate is split nearly down the middle. There are 50 Democrats, 49 Republicans, and one Independent. Yet the litmus test set up by the Democratic leadership ignores the Senate's makeup. By its terms, this litmus test is designed to limit any agreement to a Democrats-only deal. Because it ignores the reality of an evenly split Senate, this litmus test guarantees failure. If the Democratic leaders really mean what they say, that they want a stimulus bill, I ask them to remove the partisan litmus test.

Any litmus test ought to go to the substance of the package.

Let's get back to the substance. We're not that far apart. Let's not hold the stimulus package and the aid to dislocated workers hostage to an arbitrary and destructive test like the two-thirds rule. I have been flexible on Republican priorities. It is time for the Democratic leadership to show some flexibility on Democratic priorities. The first sign of flexibility will be to remove a barrier, the two-thirds rule, that guarantees failure.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 minutes.

Mr. MCCAIN. Will the Senator yield?

Mr. ROBERTS. Let me ask first, I thought I was granted 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas has 3 minutes.

Mr. ROBERTS. I actually thought it was 4; I was not quite sure. If it is 3, then my 3 minutes would be protected, as I understand it. If the distinguished Senator from Arizona would like to precede me, I am perfectly happy.

Mr. MCCAIN. I ask unanimous consent to be recognized. I had time remaining on the time previously granted.

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

Mr. MCCAIN. Madam President, I listened with interest to the comments, and I am sure there will be future comments, but these are the following facts on the airplane. One, on the acquisition of the 767, there is no formal request for it. Two, I had a conversation with the Secretary of Defense yesterday. He did not know about this. There has been no request from the administration, a formal request. Of course the Air Force would like it. We are talking about numbers. We can argue about how much it costs, but at the end of 10 years the planes go back to Boeing. At the end of 10 years, the planes go back to Boeing.

How in the world can you justify such a thing? The average age of the tankers is 42 years. I am sure these tankers would be eligible for at least 20 or 30 years of service.

Have some competition. Why isn't anyone else allowed to bid on this airplane? It is solely a bailout for the Boeing aircraft company. It is not in President Bush's defense request for the fiscal year. September 11 did not rearrange the priorities so it is a top 60 priorities. Of course, the Air Force will accept a gift. I am sure they would be glad to have it. They have other priorities they stated in testimony before the Armed Services Committee.

I cannot understand why at least there shouldn't be a hearing on a $20 billion acquisition, which at the end of 10 years, after the reengineering and the $1.2 billion for a hangar, gives it all back to the Boeing aircraft company when we should keep tankers, and have been keeping them, for as long as 20 or 30 years. Remarkable.

I reserve the remainder of my time.

Mr. ROBERTS. Madam President, I appreciate the remarks of the Senator from Washington and the Senator from Alaska. I will address the three issues of concern raised by the Senator from Arizona.

First, with regard to the fact that the Secretary of Defense, according to the Senator from Arizona, knows absolutely nothing about it, it seems to me when the Secretary of the Air Force and General Jumper have been paying personal calls not only to the Senator from North Dakota but to me, as well, and I have a letter here from the Secretary of the Air Force that says: ''I appreciate your interest in jump-starting the replacement program for our venerable KC–135 tanker fleet. These critical aircraft,'' and he goes into the fact this is absolutely essential to the expeditionary force of the United States, especially in Kosovo and Afghanistan—he says: I strongly endorse beginning to upgrade this critical warfighting capability with new Boeing 767 aircraft; I very much appreciate your support; your interest and support are crucial; he indicates this whole effort is absolutely crucial—I cannot imagine that the Secretary of the Air Force, both he and General Jumper would be taking action and recommending this in an open letter to Congress without the knowledge of the Secretary of Defense. If that is the case, we have a real communication problem.

I would like to say that in terms of the cost, the estimate by the Air Force, they save $3 billion. As to leasing or buying, we don't have money to buy them now, but we sure have the mission. That is like telling everybody in America: I am sorry, you can't lease a car.

At the end of the 10 years, I am aware that Boeing could take back the airplanes, and I am aware of the fact that then the Air Force or the Department of Defense could actually purchase this aircraft at a much lesser price.

Why will the Air Force say that the cost savings will be $3 billion? Look at maintenance. Look at the depot maintenance today. Fifteen percent of our flights are tied up in depot maintenance. If Boeing does this, then that is cut to something like 30 days every 8 years. So we are saving money there.

In regard to competition with reference to Airbus and Boeing, I don't know where Airbus would do the maintenance. Boeing has a tremendous record with over 2,000 aircraft now serving nationwide.

If we want to preserve the expeditionary capability that we must have in this new asymmetrical war in this new era in which we are fighting, it seems to me this represents a cost saving. It also represents something the Air Force wants, and it represents a way we can really upgrade their aircraft.

I do not know how much time I have, but I think I made my point.

Mr. CONRAD. Madam President, will the Senator yield for a question?

Mr. KYL. Yes. I would be happy to yield.

Mr. CONRAD. The Senator from Kansas indicated he has a letter from the Secretary of the Air Force specifically requesting these planes.

Mr. ROBERTS. Madam President, I ask unanimous consent that it be printed in the RECORD.

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

SECRETARY OF THE AIR FORCE,
Washington, DC, October 9, 2001.

Hon. NORMAN DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: I appreciate your interest in jump-starting the replacement program for our venerable KC–135 tanker fleet. These critical aircraft, which are the backbone of our nation's Global Reach capability, have an average age of over 41 years and are becoming more and more expensive to maintain. Due to the effects of age, these aircraft are spending over 300 days on average in depot maintenance, which affects our ability to respond to the many global demands on our force.

I strongly endorse beginning to upgrade this critical warfighting capability with new Boeing 767 aircraft. If Congress provides the needed supporting language, we could initiate this program through an operating lease with an option to purchase the aircraft in the future. This leasing approach will allow more rapid retirement and replacement of the KC–135Es. However, if the Congress determines this approach is not advisable, completing the upgrade through the purchase of new 767 airframes beginning in FY 02 will be in the best interest of the Air Force. To implement this transition, we intend to work with the USD(AT&L) and the OSD Comptroller to amend the FY 03 budget currently being vetted through the Department.

From the warfighter's perspective, this initiative could provide the opportunity to expand our tanker vision from air refueling and limited airlift to include other key mission areas. We intend to consider elements of command and control, as well as intelligence, surveillance, and reconnaissance (ISR) for the KC–X—in other words, a smart tanker. This initiative will further enhance our efforts to expedite development and fielding of a Joint Stars Radar Technology Improvement Program on a 767 multi-mission command and control aircraft platform which we are hopeful the Congress will also expedite in the FY 02 Appropriations Act.

I very much appreciate your support in the FY 02 Appropriations Act as we work to upgrade our overburdened tanker and ISR fleets. Your interest and support are crucial as we move forward with this critical recapitalization effort.

Sincerely,

JAMES ROCHE.

Mr. CONRAD. The Senator from Arizona asserts that we are forcing these planes on the Air Force. Was the Senator from Kansas ever contacted by General Jumper or the Air Force and asked to support providing these planes to the Air Force?

Mr. ROBERTS. That is absolutely correct. I had that conversation with the Air Force. As a matter of fact, the people who really initiated this discussion with me were actually members of the Air Force.

The Senator from Arizona has asked me to point out that this letter I am reading from the Secretary addressed to Congressman NORMAN DICKS did not represent a formal request. But in the meetings with the Air Force and in writing to individual Members of Congress, which Mr. DICKS provided the members of the Armed Services Committee in the House, I think it speaks very clearly that the Air Force does want this program and does want the leasing program to start.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I, too, rise with my colleague, the Senator from Washington, who has done an outstanding job on the Appropriations Committee to steer this issue through the process which is both sound policy and very important for the State of Washington.

I also thank the chairman of the committee, Senator INOUYE, and the ranking member for understanding the complexity of this problem.

What is at hand is a bipartisan effort where the committee has recognized the glaring Achilles' heel in our Nation's military preparedness. They developed a creative solution. We currently have an air fleet that is older than most of the pilots who fly them. With 546 air tankers in the fleet, the average age is 36 years, and the oldest plane is over 45. These planes were initially designed to have a 25-year lifespan. They are showing extreme wear and tear.

My colleague from Kansas entered into the RECORD a letter that shows the military, while being open and flexible, thought this idea was a sound way to provide tankers. Obviously, the amount of wear and tear on the aging tanker fleet is causing a lot of problems and increased maintenance costs. Indeed, the Air Force is projecting a 42-percent increase—over $3 billion—in the next 30 years for maintenance in this area.

Compounding the problem is the decreased availability in a time of increased demand. We are also not just facing issues overseas, as mentioned by my colleague from Washington, but also a new mission on the homeland front in our Nation's security—defending our Nation's airspace. That requires the use of these crucial tankers. Without effective tanker force, our air superiority is wrecked.

This is a creative solution at a time when the need is great. I urge my colleagues to support this great bipartisan and common effort.

Mr. REID. Madam President, is there any time left in morning business?

The PRESIDING OFFICER. Only the time of the Senator from Minnesota, and 2 minutes 54 seconds for the Senator from Arizona.

Mr. MCCAIN. Madam President, I say again on this issue that the Air Force has not made a formal request for this aircraft, No. 1. I am sure they would love to have it. It is not a bad deal.

The most important point is, the Senator from North Dakota has some numbers which make it less expensive to lease than to buy. I accept the numbers from the Senator from North Dakota, although I still disagree. There is a huge difference. You buy the airplanes, and you have them forever. There is no 10-year lease.

What would happen after 10 years? We would have to renew the lease or we would have to buy new airplanes. We are talking about a 10-year lease at practically the same amount of money it would take to buy them. That to me is absolute insanity.

The U.S. Air Force has 60 priorities which they submit to Congress every year. September 11 couldn't have changed that priority list very much, since it will be 2004 or 2005 before the first one of those aircraft is delivered.

This is a bailout for Boeing Aircraft—nothing more, nothing less. And there should at least be some competition. There should be a fair scrutiny of this issue. There should be hearings in the Senate Armed Services Committee when we are talking about $20 billion or $30 billion of the taxpayer moneys to be spent.

That is really the reason and the compelling argument why this system has to be repaired, which is so broken that at the 11th hour we put $20 billion or $30 billion worth of the taxpayers' money on an aircraft with a major policy decision, without a single hearing and without a single input from the Senate Armed Services Committee, on which I am proud to serve.

This is the wrong thing to do. And, clearly, we are going to spend $20 billion-plus over a 10-year period and 10 years from now have nothing to show for it. We could buy the airplanes. The average age for these tankers, regrettably, is 42 years. We could have them for another 30 years if we bought them.

Instead, we are going to lease them for 10 years at practically the same price it would cost to buy them with no competition, no hearings, no scrutiny—no nothing but a request from the Secretary of the Air Force, to NORMAN DICKS.

I yield the remainder of my time.

Mr. REID. Madam President, on behalf of my friend from Minnesota, I yield his 10 minutes.

Madam President, I ask unanimous consent, notwithstanding the fact that a substitute has not been offered, that if any amendment is agreed to prior to the consideration of the substitute amendment, it be in order for these amendments to be inserted in the appropriate place in the substitute amendment upon its completion.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Madam President, reserving the right to object, am I correct that would mean that Members could offer amendments to, say, any

portion of the Defense bill as reported by the committee?

Mr. REID. The Senator is absolutely right.

Mr. STEVENS. I will not object. I wish I could find a way, though, to now start putting some time limit on these amendments.

Mr. REID. If we could get this entered, I think the process would begin quickly.

Mr. STEVENS. I know of no parliamentary way right now that we can impose a time limit. I would like a time limit, if we are going to finish these amendments tonight.

Mr. REID. I will work with the Senator from Alaska to see what we can accomplish.

Mr. McCAIN. Reserving the right to object, I don't understand.

Mr. REID. I would be happy to read the unanimous consent request. This has been cleared on both sides. I ask unanimous consent, notwithstanding the fact that a substitute amendment has not been offered, if any amendment is agreed to prior to the consideration of the substitute amendment, it be in order for these amendments to be inserted in the appropriate place in the substitute amendment upon its completion.

Mr. McCAIN. If I might ask the distinguished Senator from Nevada, does this mean amendments will be offered at this time with votes?

Mr. REID. Yes. This is an effort, while the staff is working on the substitute, for people who have had longstanding desires to offer amendments; they would be able to do so.

Mr. McCAIN. Does the Senator from Nevada anticipate the amendments and bill will be voted on today?

Mr. REID. Yes.

Mr. STEVENS. Reserving the right to object, it is my understanding that if a person wants to strike, say, a provision—say the tanker provision from section A of the substitute—that amendment could be offered now, debated now, and voted on now. When the substitute is filed, it would be so amended; is that correct?

Mr. REID. To my understanding, the Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2325

Mr. REID. Madam President, I send an amendment to the desk on behalf of Senators WELLSTONE, GREGG, DAYTON, DURBIN, LEAHY, BIDEN, CARPER, and REID of Nevada.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, for himself, Mr. GREGG, Mr. DAYTON, Mr. DURBIN, Mr. LEAHY, Mr. BIDEN, Mr. CARPER, and Mr. REID, proposes an amendment numbered 2325.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To treat certain National Guard duty as military service under the Soldiers' and Sailors' Civil Relief Act of 1940)

At the appropriate place, add the following:

SEC. 8135. Section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 511(1)) is amended—

(1) in the first sentence—

(A) by striking ''and all'' and inserting ''all''; and

(B) by inserting before the period the following: '', and all members of the National Guard on duty described in the following sentence''; and

(2) in the second sentence, by inserting before the period the following: '', and, in the case of a member of the National Guard, shall include training or other duty authorized by section 502(f) of title 32, United States Code, at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress''.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the whip for offering the amendment.

Let me say to colleagues, I want to move forward. I am in your company. We have worked hard on this amendment. I think we have a lot of strong bipartisan support. I think it is definitely, as they say, the right thing to do. I thank all of my sponsors: my colleague from Minnesota, Senator DAYTON, Senator GREGG from New Hampshire, Senator DURBIN, Senator BIDEN, Senator LEAHY, and Senator CARPER. And I believe there will be others.

This amendment amends the Soldiers' and Sailors' Civil Relief Act to expand the protections of that act to National Guard personnel who are today protecting our Nation's airports and other vulnerable public facilities. Specifically, this amendment would provide civic relief to National Guard personnel mobilized by State Governors at the request of the President, in support of Operation Noble Eagle and potential future operations.

This amendment has the support of the Military Coalition, which is a consortium of 33 nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, as well as the support of the Minnesota National Guard.

The operative language here is, we are trying to provide this civic relief and protection for the Guard who are called out at the request of the President—this is the key language of the amendment, colleagues—for and in support of an operation during a war or national emergency declared by the President or the Congress.

This Soldiers' and Sailors' Civil Relief Act, which I think was passed in 1940, is important legislation which helps provide help to people who have taken on financial burdens without knowing they would be called up to serve in the military.

Today those people are men and women in our National Guard. They are called up to protect our Nation's airports—you see them out there—nuclear facilities, and a good number of them are going to be going to the northern border to protect us at the border.

Men and women of the National Guard serve the Nation and our States as a unique organization among all branches of the U.S. Armed Forces. The Guard is America's community-based defense force located in more than 2,700 cities and towns throughout the Nation. Some 60 of these units are in my home State, Senator Dayton's home State, Minnesota.

Let me talk about what is at issue. When our men and women serve our country, they may have built up financial obligations of one kind or another—such as a mortgage on their homes, debts related to buying cars, charge account debts from buying things with credit, you name it. What the Soldiers' and Sailors' Civic Relief Act does—and what this would do as applied to our Guard—is not wipe out any of these debts or financial obligations by people who are faced with being called up on active duty, but it does give them certain protections.

This is one of them. First of all, on the consumer debt—which is now 6 percent that goes to all other men and women who are now in the service protecting our country—there is a 6-percent ceiling that is charged.

Second, this is important because these members of the Guard, they are like us; they bought things on credit, and they have had the jobs that allowed them to pay off their debt, but now what has happened is they are out there at our airports or nuclear facilities—soon they will be on the northern border patrol—and they have taken pay cuts to protect our public facilities. But they do not have the same amount of income now, and they cannot necessarily cashflow, certainly, exorbitant interest rates. This just gives them the civic protection.

In other words, if they have been called out to duty by the President—and the President has called the Guard out to duty, but he has done it through the Governors—this just says, when the President says: ''We need the Guard, it is a national emergency, we are at war,'' and the Guard is called up through the Governors, they get the same protection that goes to any other Guard members or any other members of our Armed Forces who are out there protecting us.

Also, they will get protection from being evicted from their homes. And they will get protection from being foreclosed on. They will get protection against the cancellation of life insurance.

The problem is, unfortunately, the Soldiers' and Sailors' Civil Relief Act right now only applies to National Guard personnel mobilized directly by the President of the United States, and

it does not protect those men and women who are mobilized by our Governors at the request of the President, as is the case with many of the Guard right now.

This distinction, colleagues, is inequitable. Those mobilized by a Governor at the request of the President face the same financial problems as those mobilized by the President directly. It is only right that they receive the same protections.

The Minneapolis Star Tribune, on Sunday, November 25, had a long story on the financial impact on Minnesota Guard members; but this applies to Guard members in every one of our States. I ask unanimous consent that the Star Tribune article be printed in the RECORD.

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

[From the Star Tribune, Nov. 25, 2001]

(By Sarah McKenzie)

WASHINGTON, DC.—When National Guard Cpl. Paul Dellwo was called up to patrol the Minneapolis-St. Paul International Airport, he traded in his police officer salary for a smaller $1,600 monthly paycheck.

Dellwo, 30, said he's committed to his post, but now he's earning about $1,000 less each month than he did as an officer with a Twin Cities area police force that does not continue paying those called to active duty.

''Within the next month or so it will be become extremely tight,'' said Dellwo, who has credit card, tuition and mortgage payments to make.

He's got plenty of company. Capt. Charles Kemper, who oversees the Guard at the Twin Cities airport, said some Guard members are ''so financially strapped'' that he has considered taking a half-dozen of them off of active duty.

On behalf of members of his unit, Kemper sought grants from the Red Cross. He also has called banks and lenders to urge them to defer payment deadlines or reduce interest rates until the soldiers have completed their deployments. About a third of them have agreed to do so, Kemper said.

The issue has captured the attention of Minnesota Sens. Paul Wellstone and Mark Dayton, who are promoting a bill that would provide financial protection for Guard members who are activated.

Among other things, the law would prohibit lenders from charging more than 6 percent interest on existing loans, and it would make it illegal to evict Guard members from rental or mortgaged property. Any civil action pending against the soldiers, such as divorces, custody disputes or foreclosure, would be delayed until the end of the deployment, under the bill.

Members of the Guard ''are left without protection against financial ruin,'' said Wellstone, who plans to meet with Guard members Monday at the Twin Cities airport to talk about their economic troubles.

Minnesota's senators are not the only members of Congress who are interested in the issue. In the House, Rep. Gil Gutknecht, R-Minn., has written letters to the House Veterans' Affairs and Armed Services committees urging legislators to extend the same benefits.

EXEMPTION QUESTIONED

The legislation takes issue with a current federal law, known as the Sailors' and Soldiers' Relief Act. National Guard members are covered under the law only if they are activated by the president. But those protecting the nation's airports were called up by governors, after President Bush made the request in late September.

The exemption troubles many of the 176 Guard members patrolling the state's airports, even though some are faring well or better now than they did with their civilian jobs.

''There's a wide spectrum,'' Kemper said.

Kemper said his employer, Guidant Corp., a medical devices company in Arden Hills, has agreed to pay the difference in his salaries. As captain, he makes about $4,200 a month in base pay, but as an engineer at Guidant he makes more than $5,200 a month, he said.

Others are trying to figure out how to get by with less.

As an Internet sales manager working on commission for an automotive company, Craig Ford pulled in as much as $15,000 during a good month.

Now, Ford, 29, of the West St. Paul Guard unit, earns $2,600 a month as a specialist with the Army National Guard.

The gap in pay is wide for Ford, who is married and has two children, 5-month-old Mira and 2-year-old Dawson. But he said he recognized there could be financial hardships when he volunteered for the Guard on Sept. 29.

''I wouldn't have signed up if my family couldn't have handled it,'' he said.

SALARY DIFFERENCES

Plymouth-based Employers Association Inc., which provides management services to more than 1,700 businesses in the state, recently conducted a survey showing most Minnesota employers have policies to not pay Guard reservists called into active duty.

But bigger companies were more apt to pay the difference between the company's and the Guard's salaries. Of the 300 companies surveyed that have more than 500 employees, about half reported paying the difference. Of the smaller companies, about 30 percent reported paying the difference.

''Most employers want to do the right thing, but it's tougher for the smaller employers,'' said Christine Rhiel, a human resources generalist with the Employers Association.

Maj. Gary Olson, a Minnesota National Guard spokesman, said it would be unreasonable to expect all employers to pay the difference. The Guard members know they'll probably face financial hardships when called on for duty, but they should be provided some relief, he said.

''When these individuals are called . . . they should not be economically destroyed. There should be at least some protection for credit and interest payments provided to those individuals,'' Olson said.

The pay for the Guard starts at $1,300 a month for a private with little experience and increases based on rank and years of service, Olson said. Those activated in October will be deployed at least through March, he said.

''It's very tough,'' said Platoon Sgt. Jason Hosch, 25, of the West St. Paul Guard unit, who is stationed at the Twin Cities airport. ''How do these soldiers adapt to not being able to pay their mortgage payments?''

Hosch, who is single, said he's faring well with a $36,000 yearly salary, but he sympathizes with older Guard members who have more bills to pay and children to care for.

In addition to his base salary, Dellwo receives some housing assistance toward his $1,000 monthly mortgage payment. He said he stands to save $200 to $300 a month on his mortgage payment if he's covered under the Sailors' and Soldiers' Relief Act.

Despite the hardship, Dellwo said he's committed to his mission.

''I started this deployment, and I'm going to finish this deployment,'' he said.

Mr. WELLSTONE. Madam President, I ask unanimous consent to add Senator SCHUMER as a cosponsor.

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

Mr. WELLSTONE. Madam President, I would like to briefly summarize a couple stories of those who are in the Guard:

Cpl. Paul Dellwo is a local police officer. As he was patrolling MPS Airport, he was making $1,600 a month. As a police officer, he was making approximately $2,600 a month. On this $1,600 a month he still has to make the same credit card, tuition and mortgage payments. At the end of November he thought he had only a month or two before his finances really became tight.

Craig Ford works as an internet sales manager who works on commission for an automotive company. He said that during a good month he could earn $15,000. Now, as a specialist with the guard, he earns $2,600 a month. Ford is married and has two children, a 5-month-old and a 2-year-old.

Mr. Ford speaks for all the troops that I met when he said he understood there would be financial hardships when he volunterred—he is more than willing to put up with the hardships but he would sure appreciate a little help. I heard this time and time again when I met with the Guard on Nov. 26: Specialist Justin Johnson—a salesman at Best Buy Company—estimates that he is losing about a third of his income during his deployment. Craig Forbes, a car salesman, estimates that he is losing half his monthly income during his deployment at the airport. And Major Gary Olson, Public Affairs Officer for the MN National Guard, told me that several others have had to be relieved of their deployment due to financial hardship. He also said several people have come in wanting to serve but realized they simply could not do it and provide for their families adequately. All these Guardsmen made the same point—look, I love my country and I'm pleased to serve but can we get a little financial protection?

I could go on. This is the point. Many of these Guard members are from working families. If they are lucky enough to be working for some of the larger companies, those companies say: Serve your country. It is a national emergency. They pay full salary. But many work for businesses that cannot afford to, so they are losing $700, $800, $900, $1,000 a month.

It is just not right. Again, it is the same emergency. The President has said so. He has called up the Guard, but we did it through our Governors. This just fixes this problem and makes sure they get the same civic relief. That is all this says.

It is a protection from them being foreclosed on, not for debts they build up now while serving our country for an emergency, but whatever debts they had built up before. So it is some relief

from being foreclosed on or from being evicted or protection from a life insurance policy being canceled.

These young people work very hard in their civilian lives. Some of them work in retail where their commissions during the holiday season are the difference between their family having a good year and their family just getting by. But now they are not working for commissions—they are not dealing with customers in a busy electronics store—they are toting an M16 and standing guard.

Some of the Guard work construction and, in Minnesota, you work construction until there is too much snow or it is too cold. This year it hasn't snowed much and it has been unseasonably warm. But instead of building houses, making good wages, these men and women are in the airports—protecting us while we travel during the holiday season.

These stories are but a few trees in a large forest. Just about every soldier or airmen I spoke to, from enlisted rank to officer, told the same story. They are proud to wear their uniform. They are proud of their service to their country, but they worried about their families. They are worried that the financial blow they are taking now will take years to work off. They are worried that they are not providing the way they should for their children. None of them asked for anything. But every one of them told me that they sure would appreciate whatever help we could offer.

The Minnesota Guard did a survey and showed it to me when I last visited. It showed that most Members of the Guard are losing between $700 and $1000 a month. This is real money to retail sales people, to construction workers, to auto mechanics and to police officers. This is real money that cannot be made up easily.

Today over 15,000 National Guard are serving in a full-time status nationwide—some of them six to seven days per week. They have been mobilized to protect everything from airports to the Golden Gate Bridge. Some are involved in clean-up efforts at the World Trade Center and Pentagon. And we must be aware that National Guard units may be asked to do more in the coming months. This important change to the SSCRA will provide them the civil relief they rightly deserve. Addressing these issues now will ease the burden placed upon these patriots and their families now and in the future. These young people are not asking for much. Extending these protections is an important way to say that we value their service and that will not forget them or their families commitment to the United States.

Let me give you the genesis of this amendment. This is why I thank all of my colleagues, some of whom are on the floor. I know Senator BIDEN wants just 2 minutes, and then Senator DAYTON wants to speak. He has been working with me all the way, and Senator GREGG, and others.

I just say this: The genesis of this amendment is that I have been going out to airports—I am sure many of you have had the same experience—and I just thank people. I was doing that for a while, I say to my colleague from Delaware, and finally one of the Guard members said: Thank you, PAUL, but if you really want to help us, this is the problem for us. We are on guard duty. This is a national emergency. We are at wartime. It is national security. We are out here—by the way, they are going to be at our airport until the end of March, at least—yet we do not have the same protection. The President called us up, but through the Governors, and we do not have the same protection this way that other members have. Please give us this civic relief.

It would help us. I hope there will be 100 votes for this. I have worked my heart out on this amendment because I just think it is important we help people. I hope this will have unanimous support.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be brief. The Senator from Minnesota is the major player in this effort. The Senator from Delaware is not.

This is, in a sense, a real Minnesota tradition of progressive politics. The two guys who jumped out on this first and responded immediately were the two Senators from Minnesota. I have experienced the same exact thing in the State of Delaware as I go around and see the guardsmen.

One of the reasons the distinction was made in the past between whether a President called up the Guard or a Governor called up the Guard was the nature of the incident for which the Guard had to be called up in those circumstances. When the President called up the Guard, it was usually—not always—relating to a national defense issue. When Governors called up the Guard, it was for hurricanes and floods and very worthy and worthwhile and important things to our constituents.

Let's make it real clear: This is not a hurricane. This is not a flood. This is not a natural disaster. This is an unnatural disaster called a war. The reason my guardsmen in Delaware were called up and all of our guardsmen are called up now is for a war. This is a war.

Here we are on December 7, 60 years after Pearl Harbor, and where are we? We are once again faced with what we were faced with then. This is the first time since then American soil has been struck. What is the most likely place where the next terrible tragedy will occur if our enemies have their way? In America. The reason the Guard is on the border, at the airports, and throughout our communities is as if there were a foreign army marching on us. That is what this is about. The Soldiers' and Sailors Act was designed to take that into effect.

I compliment both my colleagues. I am flattered they let me be one of the cosponsors. They deserve a great deal of credit for calling this to our attention. I will be surprised if they don't get 100 votes. I compliment them for their foresight.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am very proud to rise in support of the amendment of my distinguished colleague, Senator WELLSTONE. I salute my good friend and colleague who has been in the forefront of these issues on behalf of the men and women of the National Guard not only in Minnesota but across the country, and our military personnel. Senator WELLSTONE deserves the full credit for his leadership in initiating this important amendment.

It grew out of visits and conversations which he and I have had together and which he and I have had separately with the National Guard men and women who are patrolling the major Minnesota airport in the Minneapolis-St. Paul area. It is extraordinary to see them hour after hour, early in the day, late at night, standing there protecting all the rest of us, their fellow citizens, and assuring our safety as we fly our Nation's skies.

As Senator WELLSTONE has pointed out, and the distinguished Senator from Delaware, Senator BIDEN, this is an unusual circumstance. It occurred because the President, very properly, wanted to respect the doctrine of posse comitatus and, therefore, since the Guard men and women were engaged in a patrolling function at our domestic airports, he asked the Governors to call them out rather than doing so directly himself.

As a result, as the Senator from Minnesota has said, they suffer these additional financial perils. These men and women are not just serving our country during these critical months, they are doing so at serious financial consequence to themselves and their families. For most of these National Guard men and women, the salary they receive for their Guard duty is but a fraction of what they are receiving in their civilian employment. Yet this amendment doesn't address that inequity, and they are not asking right now for us to do so.

All they are asking, and what this amendment does in a very important way, thanks to the leadership of Senator WELLSTONE, is give them equality or parity with their associates who are called up under other circumstances. It prevents these additional financial penalties from being imposed upon them and their families during this service and at no additional cost to the American taxpayer. It is for those reasons that, joining with my colleague Senator WELLSTONE, I can't imagine why anybody would want to oppose this amendment.

With that, I thank the others who have made this a bipartisan amendment and yield the floor.

Mr. WELLSTONE. Mr. President, I have two colleagues on the floor, one of

whom is Senator GREGG, a cosponsor of the amendment. I thank my colleague from New Hampshire.

The PRESIDING OFFICER. Senator GREGG from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of Senator WELLSTONE's amendment, of which I am an original cosponsor. Senator WELLSTONE has identified a problem which just cries out to be examined and answered. National Guard personnel are really extraordinary people who serve us as citizen soldiers. They give up their daily lives, they put tremendous stress on their families to serve us, and it's truly inappropriate that they should not be treated with the deference and the fair treatment that they would get if they were called up under a different circumstance

What Senator WELLSTONE is doing here is correcting what was an obvious loophole in the understanding of how the Soldiers' and Sailors' Civil Relief Act of 1940 would work and is applying that Act to our National Guard men and women who are called up as a result of a national emergency declared by the President but who happen to be called up by Governors, and so it is an extremely appropriate action. It's certainly something that should be done at this time and should be done quickly so that those folks who are guarding our airport, our borders, and may well be in harm's way, but are certainly giving up their private lives in order to make our lives safer through their public service should receive fair treatment from our Government.

During World War I, the Congress passed a law to help people who were called to serve in the military, people who had debts or financial obligations such as home mortgages, car loans, and bank loans. A similar law is in effect today, ''The Soldiers' and Sailors' Civil Relief Act of 1940, as amended.'' Although not included in the title of the law, the safeguards of the law also apply to personnel in the Air Force, Marine Corps, and Coast Guard. Provisions of the law protect a service member, who is called-up to serve in the military, from being evicted from rental property or from mortgaged property, protect against cancellation of life insurance, and protect against lose of home because of overdue taxes, if the service member's ability to make payments is materially affected by military service. Further provisions of the law require that interest of no more than 6 percent a year can be charged by a lender on a debt which a person on active duty in military service incurred before he or she went on active duty.

The law does not cancel out the debt or financial obligations of those called up for active duty. What it does do is give them certain special rights and legal protections. The purpose of granting the special rights and protections, as stated in the law, is to help people who have been called up for active duty ''to devote their entire energy to the defense needs of the Nation.''

In the normal case of a National Guard call-up by the President, members of the National Guard get this civil relief. But in the case of a National Guard call-up by a Governor, at the request of the President, members of the National Guard do not get this civil relief. The members of our National Guard now protecting our airports therefore do not get this relief, because the President thought it best to have the Governors call-up the Guard.

New Hampshire National Guard personnel are today assisting in providing protection at airports in New Hampshire, at the Manchester Airport, the Lebanon Airport, and the Pease International Tradeport Airport. The New Hampshire National Guard has a long and rich history. Colonial New Hampshire Governor John Cutt organized the New Hampshire militia in 1680. This militia served in all of the Colonial Wars. New Hampshire troops included Roger's Rangers, famed for their guerrilla tactics, and forerunners of today's U.S. Army Rangers, presently serving in the war on terrorism in Afghanistan. In December 1774, a group of patriots under the command of Captain Thomas Pickering, of Portsmouth, attacked and captured Fort William and Mary at Newcastle, NH. The ''shot heard round the world'' was not fired at Lexington, MA, until the following April. During the Civil War, New Hampshire furnished 17 infantry regiments, 1 cavalry regiment, 1 heavy artillery regiment, and 1 light artillery battery to the Union cause. The 5th New Hampshire Volunteers, led by Colonel Edward E. Cross, suffered the highest casualties of any Northern infantry regiment, having fought valiantly at Seven Pines, Malvern Hill, Antietam, Fredericksburg, Chancellorsville, and Gettysburg. And now other equally patriotic members of the New Hampshire Guard have been called up by the Governor, at the request of President Bush, to help protect airports, as part of our country's war on terrorism.

I assume members of the National Guards of my fellow Senators' States have also been called up by their respective Governors for airport protection duties. So this is not just a New Hampshire issue or a Minnesota issue. This is your issue also. When National Guard troops are called to active duty, whether by the President or by a Governor at the request of the President in response to war or national emergency declared by the Congress, they must essentially put their personal lives on hold.

The intent of the Soldiers' and Sailors' Civil Relief Act is to provide financial security and peace of mind to the men and women of our country who are unexpectedly called to serve their Nation in times of crisis. The law certainly should not be allowed to favor those called up by the President and exclude those called up by State Governors, at the request of the President. The National Guard personnel now helping to keep our airports safe deserve the same protections extended to National Guard troops fighting for our Nation all over the world.

This amendment will allow the men and women who our Governors have called on, at the request of the President for an operation during a war or national emergency declared by the President or Congress, to focus on their task at hand without worrying about previous financial obligations. Fellow Senators, I ask you to support this amendment to correct a serious inequity involving National Guard men and women of our various States, including most likely your own States, who have been called to active duty for critical domestic operations such as protecting our Nation's airports.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank Senators WELLSTONE, GREGG, and DAYTON and those who have initiated this effort for giving me an opportunity to be cosponsor. I thank them for this amendment and for giving us a chance to express our gratitude to the men and women in the National Guard across America who are serving our country so well. They make extraordinary sacrifices, put their lives on the line and serve their country.

This amendment gives them the recognition and reward they need. We can do more. I believe we will. But this amendment is an excellent first start to say to these men and women: We know you are serving our country. You deserve our praise, our prayers, and the recognition and help of this amendment.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that letters of support from the Minnesota National Guard and the Military Coalition and other documents be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, December 6, 2001.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of 33 nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, would like to bring to your attention a serious inequity for National Guard members who have been called to active duty for Operation Noble Eagle in Title 32 status.

National Guard soldiers and airmen called to active duty under Title 32 do not have the protection of the Soldiers and Sailors Civil Relief Act (SSCRA). National Guard and Reserve members called to active duty under Operation Enduring Freedom in Title 10 status do have that protection.

The SSCRA was passed by Congress to provide protection for individuals called to active duty in any of the military services. The SSCRA suspends certain civil obligations to

enable service members to devote full attention to duty. The SSCRA protects the individual and his family from foreclosures, evictions, and installment contracts for the purchase of real or personal property if the service member's ability to make payments is ''materially affected'' by the military service. The SSCRA entitles a person called to active duty to reinstatement of any health insurance that was in effect on the day before such service commenced, and was terminated during the period of service. It also protects the service member against termination of private life insurance policies during the term of active service.

The Military Coalition believes that all members of the National Guard performing active duty service for a national emergency or war at the call of the President should be entitled to protection under SSCRA. Please support S. 1680 and its changes to the Soldiers and Sailors Civil Relief Act that will give National Guard members that protection.

Sincerely,

THE MILITARY COALITION.

THE MILITARY COALITION,
Alexandria, VA, December 6, 2001.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The Military Coalition, a consortium of 33 nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, would like to bring to your attention a serious inequity for National Guard members who have been called to active duty for Operation Noble Eagle in Title 32 status.

National Guard soldiers and airmen called to active duty under Title 32 do not have the protection of the Soldiers and Sailors Civil Relief Act (SSCRA). National Guard and Reserve members called to active duty under Operation Enduring Freedom in Title 10 status do have that protection.

The SSCRA was passed by Congress to provide protection for individuals called to active duty in any of the military services. The SSCRA suspends certain civil obligations to enable service members to devote full attention to duty. The SSCRA protects the individual and his family from foreclosures, evictions, and installment contracts for the purchase of real or personal property if the service member's ability to make payments is ''materially affected'' by the military service. The SSCRA entitles a person called to active duty to reinstatement of any health insurance that was in effect on the day before such service commenced, and was terminated during the period of service. It also protects the service member against termination of private life insurance policies during the term of active service.

The Military Coalition believes that all members of the National Guard performing active duty service for a national emergency or war at the call of the President should be entitled to protection under the SSCRA. Please support S. 1680 and its changes to the Soldiers and Sailors Civil Relief Act that will give National Guard members that protection.

Sincerely,

THE MILITARY COALITION.

THE MILITARY COALITION,
Alexandria, VA, December 6, 2001.

Hon. JOHN D. ROCKEFELLER,
Chairman, Veterans' Affairs Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of 33 nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, would like to bring to your attention a serious inequity for National Guard members who have been called to active duty for Operation Noble Eagle in Title 32 status.

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Sincerely,

THE MILITARY COALITION.

THE MILITARY COALITION,
Alexandria, VA, December 6, 2001.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: The Military Coalition, a consortium of 33 nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, would like to bring to your attention a serious inequity for National Guard members who have been called to active duty for Operation Noble Eagle in Title 32 status.

National Guard soldiers and airmen called to active duty under Title 32 do not have the protection of the Soldiers and Sailors Civil Relief Act (SSCRA). National Guard and Reserve members called to active duty under Operation Enduring Freedom in Title 10 status do have that protection.

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Sincerely,

THE MILITARY COALITION.

MEMBERS OF THE MILITARY COALITION

Air Force Association.
Air Force Sergeants Association.
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
CWO & WO Assn. US Coast Guard.
Enlisted Association of the National Guard of the U.S.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Veterans' Widows International Network, Inc.
Marine Corps League.
Marine Corps Reserve Officers Assn.
Military Order of the Purple Heart.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Nat'l Military Family Assn.
Non Commissioned Officers Assn. of the United States of America.
Reserve Officers Assn.
National Guard Assn. of the U.S.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
The Retired Officers Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
U.S. Army Warrant Officers Assn.
Veterans of Foreign Wars of the U.S.

DEPARTMENT OF MILITARY AFFAIRS,
STATE OF MINNESOTA, OFFICE OF
THE ADJUTANT GENERAL,
St. Paul, MN, November 1, 2001.

Hon. PAUL D. WELLSTONE,
U.S. Senator,
St. Paul, MN.

DEAR SENATOR WELLSTONE: I am writing to request your support for expanding the protections of the Soldiers' and Sailors' Civil Relief Act (SSCRA) to include National Guard personnel serving their country under the authority of Title 32 of the United States Code.

As you know, the SSCRA provides a spectrum of important protections for men and women called to active federal military service. The SSCRA recognizes the reality that a call to military service can negatively impact one's ability to meet certain civil obligations. Unfortunately, the SSCRA only applies to military duty performed under the authority of Title 10 of the United States Code. It does not protect the soldiers and airmen performing duty under Title 32.

This distinction between service under Title 10 and Title 32 is inequitable and nonsensical. Service performed under Title 32 is still military service and it is still valuable and important to the national defense. The men and women called away from home to serve their country under Title 32 face the same problems as those called under Title 10. It is only right that they receive the same protections.

The recent activations of National Guard personnel to support airport security nationwide illustrate the importance of the military service under Title 32. Your support for expanding the SSCRA to protect persons serving under Title 32 will be an important part of correcting the current inequity.

Thank you for your consideration of this important matter. If I can provide any additional information, please contact me.

Sincerely,

EUGENE R. ANDREOTTI,
Major General, Minnesota Air National Guard, The Adjutant General.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES OF AMERICA,
Alexandria, VA, December 5, 2001.

Hon. PAUL DAVID WELLSTONE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR WELLSTONE: The Enlisted Association of the National Guard of the United States (EANGUS) would like to thank you for introducing S. 1680, which would amend the Soldiers and Sailors Civil Relief Act of 1940 (SSCRA) to include members of the National Guard called to active duty under Title 32.

The SSCRA was passed by Congress to provide protection for individuals called to active duty in any of the military services. The SSCRA suspends certain civil obligations to enable service members to devote full attention to duty. The SSCRA protects the individual and his family from foreclosures, evictions, and installment contracts for the purchase of real or personal property if the service member's ability to make payments is ''materially affected'' by the military service. The SSCRA entitles a person called to active duty to reinstatement of any health insurance that was in effect on the day before such service commenced, and was terminated during the period of service. It also protects the service member against termination of private life insurance policies during the term of active service.

Currently, the SSCRA only covers members of the National Guard called to active duty under Title 10 (federal active duty). Guardsmen and Reservists called to active service for Operation Enduring Freedom were called under Title 10 and therefore are entitled to all federal benefits including protection under SSCRA; however, the majority of National Guard members called to active service for Operation Noble Eagle are being called up under title 32 and, although they receive some federal benefits, they do not qualify for protection under the SSCRA.

EANGUS believes that all members of the National Guard performing active duty service should be entitled to protection under the SSCRA. A National Guardsmen called to active duty status whether Title 10 or Title 32 deserve the same protection from foreclosure or eviction. While they are trying to do their best to insure that our airports are secure, our water supply remains safe, and our nuclear power plants will not be turned into weapons of mass destruction, they should not have to worry about whether or not their families will keep a roof over their heads or that bill collectors will be hounding them for payment because their military pay was processed late (which occurred in New York and Virginia). It is a shame that a member of the National Guard would have to go to their local Red Cross to receive help in paying their mortgages as well as their transportation costs.

The Army and Air National Guard are the United State's first line of defense against all enemies foreign or domestic. The men and women of the National Guard have volunteered to serve their country. They serve proudly and willingly. Your support in amending the SSCRA of 1940 to include Title 32 will send a very strong signal of support to our service members who will be going into harms way. It will alleviate some areas of concern to them; they will be less distracted and more secure knowing that their families will be protected while they are protecting us.

If I can be of any assistance, please contact me at (703) 519–3846.

Working for America's Best!

MSG MICHAEL P. CLINE (Ret) ARNG,
Executive Director.

Mr. WELLSTONE. I take this opportunity to thank General Andreotti, the leader of our Guard in Minnesota, for his very strong support and his wisdom.

Mr. LEAHY. Mr. President, I thank my friend for introducing this amendment, which closes a troubling loophole in our military personnel system.

Currently, members of the National Guard called up under Federal title 32 status are not eligible for the protections of the Soldiers and Sailors Civil Relief Act. The act ensures that a servicemember can protect their house, life insurance, and health insurance while on active duty. It ensures a smooth transition back and forth between active service and civilian life, and it essentially underpins the entire military personnel system. We cannot defend the country without the National Guard, and we cannot attract qualified people to the Guard without the relief act.

The act has not applied to Guard members called up under title 32 status because most activations over the past fifty years have been under title 10, active military duty. However, September 11 tipped the balance in the other direction. Title 32 provides more flexibility to achieve missions in the United States and guarantees local control. As a result, thousands of Guard members have been called up across the country to secure our airports, railroads, bridges, and borders under this status.

This amendment extends the relief act to these proud citizen-soldiers. They must have these protections so they can focus on their mission. For them, I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that the subcommittee is prepared to accept the amendment. It is a fine amendment, very patriotic.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2325) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Senator HELMS from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at my desk.

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

AMENDMENT NO. 2336

(To protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. I thank the Chair for recognizing me. Mr. President, I send to the desk an amendment which I ask to be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. HAGEL, Mr. HATCH, Mr. SHELBY, Mr. MURKOWSKI, Mr. BOND, Mr. WARNER, Mr. ALLEN, and Mr. FRIST, proposes an amendment numbered 2336.

Mr. HELMS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. Did the Senator ask the reading be dispensed with? I could not hear.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator has sought that consent. Without objection, it is so ordered.

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

AMENDMENT NO. 2337 TO AMENDMENT NO. 2336

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DODD, proposes an amendment numbered 2337 to amendment No. 2336.

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

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

The amendment is as follows:

Strike all after the first word in the pending amendment an insert in lieu thereof the following:

''SEC. . (a) FINDINGS.—The Rome Statute establishing an International Criminal Court will not enter into force for several years:

(2) The Congress has great confidence in President Bush's ability to effectively protect U.S. interests and the interests of American citizens and service members as it relates to the International Criminal Court; and

(3) The Congress believes that Slobodan Milosovic, Saddam Hussein or any other individual who commits crimes against humanity should be brought to justice and that the President should have sufficient flexibility to accomplish that goal, including the ability to cooperate with foreign tribunals and other international legal entities that may be established for that purpose on a case by case basis.

(b) REPORT.—The President shall report to Congress on any additional legislative actions necessary to advance and protect U.S. interests as it relates to the establishment of the International Criminal Court or the prosecution of crimes against humanity.

Mr. HELMS. Mr. President, without losing my right to the floor, I suggest the absence of a quorum temporarily.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded in order for me to speak for 2 minutes on an earlier discussion about the tanker fleet.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator cannot qualify.

Mr. HELMS. Reserving the right to object, I have no objection if it is understood that I shall be recognized immediately following the two amendments.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak out of order for a period of 2 minutes regarding the issue of tanker replacements.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, the question I have, is there any order in effect as to who gets the floor when the quorum is called off?

The PRESIDING OFFICER. Senator HELMS is entitled to the floor.

Mr. REID. That is my understanding.

The PRESIDING OFFICER. And Senator BROWNBACK seeks recognition.

Mr. BROWNBACK. For 2 minutes.

The PRESIDING OFFICER. Without objection, Senator BROWNBACK is recognized.

Mr. BROWNBACK. Mr. President, I will not be long. I wish to speak about the leasing of 100 aircraft tankers, many of which will be remodeled in the State of Kansas. I have great respect for the Senator from Arizona and the issue he is raising about the lack of review, but I also wish to be very specific about what is taking place.

The current tanker fleet is 40 years old, some of it 45 years old. That is my age. Some days I feel very old. A lot of these tankers are spending a great deal of time in depot. They are spending up to 60 percent of their time being repaired. If we do not go through this lease arrangement, we are not going to have the tanker fleet to conduct our current long-range bombing missions.

While I have great respect as to how this has come up—the lack of hearings—the fact is we cannot conduct campaigns, such as we are in Afghanistan, unless we do something like this.

I also think this lease arrangement is going to allow us to do something we could not do if we were on a straight purchase basis. It is something we need to do now.

For those reasons, I want to be clear on my support, even though I have great admiration for the Senator from Arizona and the legitimate issues he is bringing up. We simply cannot do this any other way. This will get us 100 aircraft that we need to replace some that are 40 to 45 years old. This legislation will get this going now while we have the operational capacity to build them. Because of the lack of construction that is taking place at Boeing and the rest of its fleet construction, we are going to be laying people off. Instead of laying them off, we can put them to work.

It has come up in a questionable fashion. For that I have respect for those who are challenging this provision. Still, these are extraordinary times. If we do this, we can get something of value at a time when we can construct the aircraft. And it can be scored such that we can afford to pay for this at this point in time.

For all those reasons, I think this is a legitimate and a proper thing for us to do. I add my voice to that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the previous order will be obtained, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 2336

Mr. HELMS. I do thank the Chair. Mr. President, there is a little bit of manipulation going on, but let me emphasize the President of the United States is in favor of the underlying amendment, to which a second-degree amendment proposes to gut the amendment I have just offered.

If we are going to play this sort of game around here, that is fine. I can play it, too, and I have been around a little while, and I know how to do it.

The International Criminal Court will be empowered if and when just 13 more countries ratify the so-called Rome Treaty. Forty-seven have ratified it as of this past Friday, November 30.

It has been a privilege to work with the distinguished Senator from Georgia, Mr. MILLER, in crafting this amendment to protect American soldiers and officials from illegal prosecutions by that Court. In addition to Senator MILLER and me, Senator LOTT, Senator WARNER, Senator HAGEL, Senator HATCH, Senator SHELBY, Senator FRIST, and Senator MURKOWSKI joined in introducing the American Service Members Protection Act on May 9 of this year. The pending amendment is the result of our converting that act into an amendment to the pending Defense appropriations bill.

As I said at the outset, there are going to be attempts to defeat this pending amendment despite the support of the President of the United States, despite the support of all manner of organizations, including veterans and members of the armed services.

I feel a bit of resentment. What they are doing is well within the rules. We will see how the Senate stacks up on this little bit of play.

Without this amendment, the Rome Treaty can expose U.S. soldiers and civilian officials to the risk of prosecutions separate and apart from the laws of the United States of America. Therefore, they could very well be battling international bureaucrats and prosecutors instead of terrorists such as those who on September 11 committed mass murder against thousands of innocent American citizens in New York City and at the Pentagon, not far from here.

The pending amendment ensures that neither the International Criminal Court nor overzealous prosecutors and judges will ever be able to prosecute and persecute American military personnel.

At this time, along with the mobilization to fight terrorists, there is unanimous support in Congress for giving the President the tools he needs to wage the war against terrorism.

Accordingly, the distinguished chairman, HENRY HYDE, of the House International Relations Committee, and I have negotiated with the Bush administration some needed refinements to the American Servicemembers' Protection Act that is now pending for consideration by this Senate.

This amendment then is a sort of revised version of the original bill to give the President flexibility and authority to delegate provisions in the legislation that he needs in this time of national emergency to protect our service men and women.

I have in hand two letters dated September 25, 2001, and November 8, 2001, respectively, from Assistant Secretary of State for Legislative Affairs Paul V. Kelly indicating that the administration does support the language of the pending amendment.

Instead of placing these letters in the RECORD, I want to read them. The first one, Paul V. Kelly, Assistant Secretary of Legislative Affairs of the U.S. Department of State:

DEAR SENATOR HELMS: This letter advises that the administration supports the revised text of the American Servicemembers' Protection Act (ASPA), dated September 10, 2001, proposed by you, Mr. Hyde and Mr. DeLay.

We commit to support enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that in the House the ASPA legislation will be attached to the State Department authorization bill or other appropriate legislation.

The Senate has a responsibility to enact an insurance policy for our men

and women serving at home and overseas. Secretary of Defense Rumsfeld and Secretary of State Powell agree it is essential to protect all of them from a permanent kangaroo court where the United States has no veto.

Precisely, this amendment does the following: It will prohibit U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information. Two, it will restrict U.S. involvement in peacekeeping missions unless the United Nations specifically exempts U.S. troops from prosecution by the International Criminal Court. Three, it limits U.S. aid to allies unless they also sign accords to shield U.S. troops on their soil from being turned over to this kangaroo court. And four, it authorizes the President of the United States to take necessary action to rescue any U.S. soldiers or service people who may be improperly handed over to that court.

When former President Clinton signed the Rome Treaty on December 31, 2000, he stated he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it to the Senate either, given the remaining flaws in the court. Moreover, I understand my colleague from Connecticut, Senator DODD, said this about the Rome Treaty on September 26, and I quote the distinguished Senator from Connecticut:

> If for some reason miraculously the proposal were brought to this Senate chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Many Americans may not realize that the Rome Treaty, so-called, can apply to Americans even if the Senate has declined to ratify the treaty. This international legal precedent lacks any basis in U.S. law.

So I reiterate, the pending amendment will shield Americans from this international court, and that is why 28 uniformed services and veterans organizations representing more than 5½ million active and veteran military personnel and their families support the pending amendment.

I have a copy of a letter dated November 19 of this year signed by the directors of the Veterans of Foreign Wars and at the Reserve Officers Association and associations representing every one of the services. They favor this amendment. I will take time right now to read this letter into the RECORD. I started to insert it, but I think it is important for me to read it.

> DEAR SENATOR HELMS: The Military Coalition, a consortium of nationally prominent uniformed services and veterans' organizations representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, strongly supports the amended version of the American Servicemembers' Protection Act.

Mr. President, that is the pending Senate amendment.

> The Coalition understands that the administration also supports this legislation.

I have already covered that. Then the letter continues:

> This bill would seek to protect American servicemembers from criminal prosecution by an International Criminal Court to which the United States is not a party.
>
> TMC [that is the military coalition] believes the United States must ensure military personnel (plus Federal officials and employees) are protected when it orders them to participate in operations or other prescribed duties in foreign countries. Any effort to the contrary by internal or external entities should be thwarted. Our Nation cannot continue to dispatch its uniformed and official personnel, who have sworn to uphold and defend the Constitution of the United States, to international assignments without guaranteeing them their rights under that magnificent document. Sincerely.

It is signed by the officers of the association.

President Bush and his national security team support this amendment. There is a great need to approve this amendment now and not wait until some vague future date next year or even later. Obviously, I support and urge support for this amendment to protect these service and civilian leaders from unaccountable kangaroo courts.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank Senator MILLER for the great work he has done, and I yield the floor to him.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I rise to add my voice of support to this amendment by Senator HELMS.

I would like to thank the distinguished senior Senator from North Carolina for his leadership and dedication in crafting this important legislation. I am proud to cosponsor it with him. He has worked hard with the Bush administration to write a bill that meets the President's approval, and I commend him for doing so. Senator HELMS outlined the details on what this legislation is intended to do, so I will just make some brief comments on why I believe it is so important.

As Senator HELMS stated, this legislation is designed to protect American troops and officials from the potential of illegitimate and politicized prosecutions under the auspices of an International Criminal Court. When just 13 more nations ratify the Rome Treaty, the International Criminal Court will be empowered, and Americans could be subject to its prosecutorial authority. This could happen even though the United States has not ratified the treaty.

We ask a lot of our military. They are at risk right now in Afghanistan. They are stretched to the limit, and are engaged in missions around the globe that include peacekeeping and humanitarian efforts.

In the conduct of these missions, we must provide them the tools to succeed. Exposing our troops to ICC prosecutions is tantamount to not adequately equipping them for the mission. Rules of engagement for many military missions are complex enough—our military doesn't need to be further burdened by the specter of the ICC when making critical deadly force decisions.

I have heard some of the arguments against this legislation. Some think it demonstrates U.S. arrogance and a unilateralist attitude. Others believe it somehow compromises our commitment to the promotion of human rights and the prosecution of war crimes. I appreciate those concerns, but in my opinion, the well-being and protection of our military trumps those arguments every time.

We should be concerned over world perception in terms of our commitment to addressing war crimes, genocide, and other human rights issues. However, I don't believe any reasonable government could accuse us of not being the world's leader in all of these areas. The suggestion that the United States is not supportive of human rights because we refuse to ratify a questionable treaty just doesn't compute.

Some would advocate that we should ratify this treaty and try to fix its deficiencies after the ICC is created. That is laughable to me. How many of us would sign a contract for anything before negotiating the details? It makes more sense to have this proposed legislation as an insurance policy and then negotiate, rather than negotiate without it and potentially place our people at risk.

I remind my distinguished colleagues of the concern we all had when the Chinese held our EP–3 crew for 11 days. And they were only detained—not prosecuted. Now image American service members being subjected an unfair ICC prosecution without U.S. consent. This cold happen to some those brave troops that are eating dust and risking their lives in Afghanistan to protect America. I would never want to look a family member in the eye and know that I did not do everything possible to prevent such a prosecution because of concern over world perception, or offending their governments. This legislation seeks to provide that much-deserved protection.

I encourage my colleagues to support this important legislation. As responsible lawmakers, we are obligated to provide them this legislative protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. WARNER. I say to my colleague, a matter of some interest has arisen. I received a call from the Secretary of the Army. If I could have 2 minutes, I think colleagues would be interested.

Mr. BIDEN. I have no objection.

Mr. WARNER. Mr. President, the Secretary of the Army just called me. Yesterday, I put in an amendment to the pending matter before the Senate with regard to the desire on behalf of

the Congress of the United States to see that Captain Charles ''Chic'' Burlingame, the pilot of American Airlines flight 77, be buried in his own grave site at Arlington National Cemetery. In recognition of the growing interest in the Congress, I was assisted on this by so many. My distinguished colleagues, Senator ALLEN, Senator MCCAIN, and Senator INOUYE very graciously put this amendment into the managers' package. Senator STEVENS and others, Senator CLELAND, and the Senator from Louisiana are all involved.

This matter has now been reviewed by the White House and by the Secretary of the Army. The Secretary of the Army has indicated to me that he will, under the regulations, exercise his authority to enable this very courageous and distinguished American and Navy veteran to be buried in his own grave, and at such time in the future to further have his wife interred with him.

I thank all who worked on this. There have been many in the Chamber, along with my colleagues in the House, FRANK WOLF, TOM DAVIS, and others, and also the Secretary of the Army has worked very carefully on it. I went over and visited the Secretary of the Army a short time ago, having been in conference with the two brothers of this individual. It is a team effort by the administration and the Congress. The Secretary is hopeful that the Congress will enact the legislation filed yesterday because it would be an important part of the decisionmaking process. I indicated to him I believe the Senate would, in due course, act on it. I am in contact with colleagues in the House to have a companion bill acted on.

I thank all concerned. We wish the widow and his family and his two brothers who worked so hard on this the very best. So the funeral now can go forward and he will have his own grave site. I thank the distinguished Presiding Officer and my colleague for allowing me to make this statement.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I appreciate my colleague from Connecticut allowing me to stand up and speak for a brief moment before he responds. He has an amendment.

I say to my friend from Georgia and my friend from North Carolina, whom I respect immensely, this is an idea whose time has not come. Here we are with a 28-page amendment before the Senate that we have not read, that is occurring at the very moment, as my friend from Georgia says, when American special forces are eating dust in Afghanistan, at a time when we were relying upon the cooperation of an alliance and a NATO and non-NATO forces that have agreed to support us in that effort, at a time when we are holding a coalition together, along with many Members who have supported this International Criminal Court, and we are going to try to change their minds about how we should amend the language of the Criminal Court to make it a reasonable thing we could in fact theoretically be a part of, to come along and tell them: By the way, if you already have signed onto this Court, but unless you decide—as one piece of the amendment requires—that unless you agree ahead of time that you would never under any circumstances abide by this Court as it relates to the transfer of an American person accused of a crime, we are in effect dissing you: We ain't going to work with you anymore.

It seems to me a pretty bad moment to be making that claim at this time. As my friend from Georgia pointed out, we want some options. We have plenty of time between now and the next several months to do what we are supposed to do. This was referred to the Foreign Relations Committee. It was introduced and referred to the committee by my distinguished colleague, the ranking member, former chairman, Senator HELMS, when he was chairman. He held no hearings on it this year after it was introduced. Since it has been in my committee—some version of this, not the same thing—there has been no request for me to hold hearings on this legislation.

Here we are on a Friday afternoon about to pass—I hope—a significant bill, and a 27-page amendment is dropped on our desk that is the most far-reaching and consequential extension of an argument against this Court that I have ever heard. It may make sense. Theoretically, it can make sense. But if you are ever going to pick a moment not to do this, it would be at this very moment when we have just—I have been a major party to this—literally broken the arms of the Serbs to make sure they send Milosevic to a criminal court. We have broken the legs of everyone we can—figuratively speaking—diplomatically to get Saddam Hussein before a criminal court, an international court. We have asked them to all step up to the plate and try to bring to trial terrorists and people we are after—the bin Ladens—whom we don't want to try in this country.

It seems to me to come along, and say, but, by the way, if you have signed onto any of this stuff that we don't like, we are not only going to see to it that we don't cooperate with you, but we are limiting our relationship with you, as I read this—that is a pretty big deal.

I wonder how Mr. Blair is thinking, that at this moment when we are putting pressure, or Mr. Schroeder, who risked his entire government with a vote of no confidence—he survived by I think two votes, and I will have the RECORD correct me if I am wrong about the number of votes—but barely survived in order to commit German forces to fight next to American special forces on the ground—who strongly supports this, and say, by the way, you are our enemy if you signed onto this Court. Give me a break.

Let us have regular order, as they say around here. We have plenty of time. I promise you I will hold hearings on this. But don't ask us to digest 27 pages of the most far-reaching application of an objection—by the way, in the Commerce, Justice, and State appropriations bill we already passed legislation of the distinguished Senator from Idaho barring cooperation with this Court. It still takes 13 more nations to sign on before the Court comes into effect. We have time. Let us do this in an orderly way.

I commit to you that at the earliest moment—if you want to pick a date, I will give a date—I will come back during recess and hold hearings. Let us get some serious people in here giving serious input. Just possibly, you people have missed something. Just possibly, you have inadvertently made a mistake in how broad this is, which may harm American troops. I do not know that it does. But I have been around here long enough to know that my mother's expression is a correct one: Often the road to hell is paved with good intentions. I have no doubt about the intentions. But I have some concern that you may have paved the road to hell a little bit for the very American personnel we are trying to save.

I really ask you in a more sober moment, even before we get on to the debate—I don't want to discourage my friend from Connecticut either—to sort of stand down here. I promise you I will set hearings. I will hold the hearings. I will not attempt in any way to delay reporting out legislation on this subject. Let us do this in the normal legislative way.

I thank my colleagues. I appreciate their intent. I know there is not a single Senator who doesn't share this concern. The last thing we want is an American tried before a kangaroo court.

I respectfully suggest that we are sending some sort of silly signals right now to the world. We are asking the world to join us. We are asking the world to participate with us. We are asking the world to try bad guys who have committed crimes against humanity, and yet we are setting up military tribunals and blanket, broad, broad pieces of legislation such as this that we really haven't had hearings on, haven't thought through, haven't debated, and haven't refined.

I do not know that I am against this. Russell Long once said to me after I said to him, ''But, Mr. Chairman, I am not sure about this piece of legislation,'' ''JOE, let me tell you something. Around this place, when in doubt, vote no.''

I am in doubt. I don't know how you cannot be in doubt. This is 27 pages long, and we are going to do this in the next 15 minutes. I think it is a mistake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I strongly urge the authors of this amendment to

consider the offer just made by the chairman of the Foreign Relations Committee.

The Senator from Delaware pointed out, putting aside for a second whether or not you would disagree with the provisions in this amendment of 28 pages, that this is a proposal that has never really been debated or considered by committee. Something as far reaching as this is something this body, regardless of where one may stand ultimately on the question of an international criminal court, needs to be prudent in considering. None of us in this body ever wants to see our American men and women in uniform be placed in jeopardy anywhere. I do not know that anyone can tell you with any certainty whether or not that would be the case if this amendment were adopted.

Sometimes when we get in the middle of a debate and start arguing these things, emotions get carried away and it gets harder. I would like to pause for a moment. If both sides agreed to wait a bit and consider this issue at a later date, I certainly would withdraw my amendment. I have a simple amendment which just asks the President to report to the Congress any additional legislative action he would deem necessary for us to deal with this issue that the Senator from North Carolina has placed before us. I do not know how my colleagues feel about that. But I urge them to consider debating this later. We can then debate this in a proper fashion rather than do it here this afternoon.

I will note the absence of a quorum and take a minute to see if there is any possibility—does my colleague from Idaho wish to respond?

Mr. CRAIG. Mr. President, if the Senator will yield, I cannot speak for Senator HELMS. I think all of us understand—whether by the lateness of the hour or the length of the amendment—that the ITC, with 13 remaining nations, does not blink nor cause it to react to any extensive hearings that may have been held by the Senator from Delaware.

Action on the part of this Congress and our President to ultimately protect our own citizens and men and women in uniform and the protection of our sovereignty and our constitutional rights is really the question here. None of us should be frightened by a fear that somehow bin Laden or Milosevic would not be appropriately treated.

We have now had the Judiciary Committee hold hearings for the last 2 days on a military tribunal. Our President has already spoken as to how they might deal with terrorists once captured.

Mr. DODD. If I might reclaim my time.

Mr. CRAIG. What I am saying is, hearings should have been held some time ago. It is a critical issue that the last President put before this body, in essence, by signing the treaty. Yet it has not been done. My guess is, this is a critical debate and the appropriate amendment to deal with it.

Mr. DODD. I reclaim my time. I guess the answer is no. We are going to have to go through this process, which I regret deeply because I do not believe the Senator from Idaho or the Senator from North Carolina or the Senator from Connecticut could say to you, Mr. President, with any certainty, what we are about to adopt here is in the best interest of our country or our individual men and women in uniform.

Let me tell you what this amendment does, as I read it. This amendment would prohibit the United States from aiding in the prosecution of war criminals before the International Criminal Court, even if the criminal may have perpetrated crimes against America. We are prohibited by this amendment to participate in any prosecution.

Second, it would limit U.S. participation in peacekeeping operations unless we get an ironclad commitment from the ICC that under no circumstances would U.S. persons be subjected to the jurisdiction of the Court.

Furthermore, this amendment would prohibit us from assisting any country that is party to the ICC. We provide assistance to countries all across the globe. Are we really, at this juncture, on a Friday afternoon, now going to bar all future assistance to countries that may participate in the formation of a court?

As I said, back in September when this matter was first raised by the Senator from North Carolina, if the Treaty of Rome were put before this body, I would not vote for it. This body is not prepared to ratify that treaty. My concern is that if Senator HELMS' amendment passes, this treaty may go forward and we will have no say in the process. As my colleagues have pointed out, 13 other nations may sign on to it. If they do, then all of the matters we pass here may be for little or any good at all. In fact, the very concerns that my colleague from Georgia, and others, have raised may, in fact, occur as a result of our nonparticipation in the drafting of this treaty.

I think the United States should remain engaged in trying to fashion this Court in a way that would protect our men and women in uniform. That way at least we maximize the possibility that this Court is going to do what we would like it to do.

I find it somewhat ironic that today is December 7, and 60 years ago today Pearl Harbor was attacked, as we all know. We listened to the eloquent remarks of our colleague from Hawaii earlier today. Four years later, the United States, at our urging, established a criminal court in a place called Nuremberg, with the cooperation of our allies, to prosecute those who had prosecuted the war. And we did it not just in Europe but also in the Pacific with a separate set of trials.

In a sense, what this amendment would do is prohibit a future Nuremberg.

I do not think, on this day of all days, considering, if you will, the role that we played in the post-World War II period of trying to build institutions where the rule of law prevailed, that the Senate, the body charged in the legislative branch with dealing with the international relations issues of our country, would adopt an amendment that says we are not going to participate in any kind of an international criminal court.

I find it stunning that we can do that. I have offered a second-degree amendment which very simply would say that the Rome statute establishing the International Criminal Court would not enter into force, and that Congress has confidence in President Bush's ability to protect U.S. interests.

The last thing it calls for is that the President shall report to the Congress on any additional legislative actions necessary to advance and protect U.S. interests as it relates to the establishment of the International Criminal Court.

The Senator from Delaware has already pointed out, that we are trying to build transnational support for dealing with terrorism. The President has told us terrorists and their terrorist cells may exist in 60 countries. We are going to need a remarkable level of cooperation if we are going to successfully prosecute, capture, and try these individuals.

We have already seen some of the difficulties related to the cooperation we are seeking to bring terrorists to justice. What is going to be the reaction of the international community if we adopt this amendment at the very hour we are reaching out our hands saying: Will you join with us as we seek to prosecute those who perpetrated the crimes on September 11? When we are telling those countries we are not going to participate in any peacekeeping operations, we are not going to provide any aid to any countries that participate or sign on to this treaty?

This is what we should be doing: We should maintain a policy of fully supporting the due process rights of all U.S. citizens before foreign tribunals, including the International Criminal Court. We should continue to participate in negotiations of the Preparatory Commission for the International Criminal Court as an observer. At an assembly of states and parties, that is how you are going to effect the change—by being at the table, not by walking away from it.

This is the United States of America. We are not some Third World country. We claim to be a leader in the world to do what we can to ensure the rules of procedure are in evidence and that elements of crime adopted by the International Criminal Court conform to the U.S. standards of due process formally adopted by the assembly.

How is that going to occur if we adopt this amendment? We ought to seek a definition of the crime of aggression under the Rome statute that

is consistent with international law and fully respects the right of self-defense of the United States and its allies.

We ought to be there to ensure that U.S. interests are protected in negotiations over the remaining elements of the International Criminal Court to provide appropriate diplomatic legal assistance to U.S. citizens, especially the U.S. representatives and their dependents who face prosecution without full due process in any forum.

That is what we ought to be doing. That is the role of a great nation. That is the role of the United States. That is what we did in the post-World War II period. We did not back away. We did not take an 18th or 19th century approach to the world. We engaged the world.

In fact, I remember—my colleagues may not know all of the history—but the choice of Nuremberg was not accidental. The choice could have been elsewhere. But Robert Jackson, who led the U.S. delegation prosecutorial team, selected Nuremberg because it was at Nuremberg that the Nazis wrote the laws that gave them the fake justification, if you will, to engage in the butchering that they brought on the world. It was at Nuremberg, Germany, where that happened.

So Robert Jackson said: Why don't we go back to that very place and show the world that in civilized societies the rule of law prevails?

There were people who argued forcefully that there should have been summary executions of the defendants at Nuremberg. Just execute them. That was the argument. Line them up against a wall and shoot them. Believe me, there were a lot of people who could make a strong claim that should have been the process. Millions of people lost their lives at the hands of those butchers.

But wiser voices prevailed. They said: No, no. We are not going to allow the world to see us act, in a sense, little differently than those who committed the crimes. We are going to provide them with a tribunal, an international criminal court. The argument that was raised against it was not illegitimate. It was ex post facto. We established it after the fact, but I think most agree today that the Nuremberg tribunal was conducted fairly, that those who were brought before that criminal court were given an opportunity to present their cases, and were tried fairly. Most were convicted, most were executed; some actually were exonerated; some got lesser sentences.

The point I am making is, today could there be another Nuremberg? Could we participate in a Nuremberg? Would we be advocating it? If we adopt this amendment, does that put us on the side of the Robert Jacksons in 1945, or does it put us on the side of retrenching and pulling back and not engaging?

I honestly believe the Rome Treaty is flawed—terribly flawed—but I also believe my country ought not walk away from its responsibilities. We may be about to adopt an amendment, in my view, that takes us in the opposite direction.

I am terribly disappointed we are even debating this amendment under these circumstances, a 28-page amendment involving all sorts of intricate matters that could complicate the role of our government at this very hour, putting us in a position of walking away from International Criminal Court. That is a dreadful mistake of historic proportions.

What a tragedy, as we begin the 21st century, that this great Senate, given those who preceded us, those who fought for a Marshall plan, those who fought for the establishment of the United Nations, those who fought for the establishment of the Court at The Hague, those who fought to establish rules on human rights, those whose very seats we sit in, we would pass an amendment contrary to their legacies. What a legacy for us. We are involved in the greatest challenge that America has faced since the conflict of World War II, and we may be about to adopt an amendment that would set back all of the efforts that were made in the post-World War II period. I am ashamed, in a sense, that we are about to adopt language which would put our country in that position.

At the appropriate time, I will ask my colleagues at least to consider my second-degree amendment which would allow for the President and others to report back what we might do and how we might address this issue, how we might affect the assembly that meets to establish the International Criminal Court, and how we can have some positive effect on what rules and regulations are going to be established there.

That is what I would hope we would do. For those reasons, I urge the rejection of the amendment offered by my friend and colleague from North Carolina, and support for my amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, before my colleague from Connecticut leaves the floor, let me suggest to him in all sincerity that he has no reason to be ashamed, no reason to be ashamed of engaging in this debate, or in talking, as he has so proudly, about the legacy of Nuremberg and our Nation's leadership there. Nuremberg was a unique and terrible case and we addressed that issue as we should, and we did it in a most appropriate fashion. On other occasions, our Nation has engaged in international tribunals for specific purposes. But there is a very real difference today between that which we debate in the ICC and a Nuremberg example.

Nuremberg was a case in point to address the dramatic crisis coming out of and during World War II and those who perpetuated those horrendous acts. It was a temporary tribunal. What we debate today is a permanent tribunal, one that stays in constant existence, one that has an international prosecutor, and one that chooses to operate under a set of laws that is constant. Not that we would ever again engage in a tribunal to deal with a Milosevic. We have. We will. And we should. Nor would we ever again engage in tribunals that would deal with terrorists who would bring acts against this country or other nations of the world. We have. We will.

It is not that we are shucking from international leadership to suggest that we will not adhere to an international perpetuated body that takes away the sovereignty of our citizens and our men and women in uniform and our protections under the Constitution; that we should walk away from, that we should be proud to walk away from.

That is exactly what the Senator from North Carolina is proposing with his amendment. We have dealt with this issue at length. There is a great deal more that we should probably talk about, and the time is limited this evening.

The Senator from Connecticut talked about failing to assist countries. That provision was taken out of the bill of the Senator from North Carolina. If it were still in there and if it still qualified under the rules of the Senate, if you go on, it says we could waive that exception, that we could waive that prohibition on a selective basis. Does that sound like a weak Third World nation running from its international responsibility or does that sound like a world leader having the right to pick or choose for its citizens under its Constitution and not the rule of the United Nations? That is what we are talking about. That is fundamentally the issue.

We all know the history of this. Even when President Clinton signed this treaty in the final hours of his administration, his own words were:

> Significant flaws exist in this document.

Therefore, he did not send it to the Senate for ratification because he knew that it had great problems and some of those problems are the kinds of problems that the Senator from North Carolina is attempting to address. Rather it is whether or not we are fundamentally committed to the sovereign rule of the domestic law of our country under the U.S. Constitution as opposed to global justice under U.N. auspices. I don't know how to put it much clearer than that, for there can only be one answer, my guess is, for the majority of my colleagues. That means the United States must stand firmly against the concept and the reality of an ICC.

No matter what we debate here today and no matter what action we take, if 13 more nations ratify this under U.N. rule, this is the law of the world, so to speak. Therefore, whether we try to shield our own from it, it is possible still that a rogue international prosecutor, using the ICC, could bring some

of our men and women in uniform or any citizen of the United States over 18 years of age under its jurisdiction.

This also means that trying to fix the treaty's flaws is in itself a great problem. Instead of mistakenly trying to fix the Rome treaty's flaws, the United States must recognize that the ICC is a fundamental threat to American sovereignty and civil liberty and that no deal, nor any deal, nor any compromise in that concept and under that reality is possible.

We will engage internationally. We have and we will constantly do so. We are world leaders and we are proud of that. We also understand the awesome responsibility that goes with it. But to suggest that we hand this authority over to the United Nations and to suggest that they would use it in perpetuum, in a constant and uniform manner, we saw one of those rogue assemblies occur in Africa recently, and we had to walk away from it. We had to denounce it because of its outspoken racist arguments. It was something of which we could not be a part.

Is this to suggest that something similar to this could not happen or would not happen in the future with this kind of a body if we don't have the right to selectively choose to create, for the purpose and the intent at the time, an international tribunal that ought to be assembled for the purpose of dealing with an unjust act to humanity around the world? That is the issue about which we are talking. That is exactly the issue that the Senator from North Carolina is attempting to address.

Have we addressed this before? Yes. Have I been to the floor before to speak about it? Yes. Did we address it? Most clearly, we did. In the Commerce, State, and Justice appropriations bill this year, we prohibited the use of funds for the ICC or for its preparatory commission. That is the law of the land, as we speak. We passed it. We provided that protection this year in this Senate. It is important that we recognize that we have already made those kinds of observations.

It said very clearly: None of these funds appropriated or otherwise made available by this act shall be available for cooperation with or assistance or for other support to the International Criminal Court or preparatory commission.

I don't think we could get much clearer. Use of the State Department's funds for cooperation with the ICC or the preparatory commission is prohibited. That is clear. It was necessary to do. We spoke out as we should have on that issue.

Let me talk about one other very important aspect because the Senator from Connecticut appropriately addressed the circumstances of today and how that all fits.

I do not think by our acting this evening in support of the amendment of the Senator from North Carolina we are, in fact, turning our back on the bad actors of the world, the bin Ladens or the Milosevics or the Saddam Husseins. Not at all. We are speaking to the direct opposite. We are speaking to the right of an American citizen and the American men and women in uniform and their protection under our law.

When the time comes—and it may well—to address the problems created by the gentlemen I have just mentioned, this country will stand up and ask the world to stand with it for the purpose of dealing with those kinds of international outlaws.

As we develop our relationships around the world and the new coalitions that our Secretary of State is trying to form at this moment with Arab nations in search of terrorist groups, the renunciation of this Court has nothing to do with that. Those are case-by-case, nation-by-nation relationships.

What the rest of the world knows is that we are a nation of law and we protect the right of our citizens under that law within the Constitution. To speak out now for that purpose instead of handing it over to—or to arguably do so, an international body, I think speaks quite the opposite; that somehow we have softened, adjusted, or changed.

No, I do not think that is what we ought to be about. More importantly, I think that a loud, clear statement tonight to protect our men and women in uniform—and I wish we could go further to say all Americans—is a right and appropriate thing. Our men and our women are in the deserts and the sands of Afghanistan as we speak. As the year plays out and as we move into the next year and the next in our pursuit of international terrorism, they may be somewhere else around the world because we are a world leader, and we want and hope the world will follow us in our pursuit of international terrorists.

If that day comes, beyond the military tribunals that our President has already shaped, that we need an international forum in which to address this issue, that is the day we assemble it, that is the day we bring the United Nations and the rest of the world with us. But not now, nor ever, should we arbitrarily give away the right of the citizen, wherever he or she may be around the world, to have the protection under our Constitution and under our law of that constitutional right that a native-born American or a naturalized American citizen has. That is the fundamental debate.

The Senator from Connecticut and I really do not have many differences. We agree fundamentally on all of those things. I do not believe it is a negative statement to the world that we stand tall and demonstrate our leadership for our citizens and our people under our Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, I wish to address this issue in the context of today's events. Two things in particular strike me about this debate, and I want to make it clear at the beginning that I support Senator HELMS and what he is trying to do to protect the men and women in our military whom we put in harm's way to fight for peace and security from terrorism in faraway places. Before the war on terrorism is concluded, we are likely to find them fighting in farflung reaches of the globe against the scourge of terrorism.

What we are concerned about is the possibility that they would fall into the hands of an enemy that would put them on trial under trumped-up charges, with very little in the way of rights before an International Criminal Court or under its jurisdiction.

Is this an unreasonable fear? I note some of the countries that have signed up to the ICC, some real bastions of civil rights and civil liberties: Algeria, Cambodia, Haiti, Iran, Nigeria, Sudan, Syria, Yemen. Those would be great places to be tried in if you were in the American military and you had been fighting some tin-horn dictator who got ahold of you and decided to put you on trial.

To me the interesting juxtaposition in the debate that has been going on in this country for the last 2 or 3 weeks—and we witnessed some of it yesterday before the Senate Judiciary Committee in which many liberals in the United States are very concerned about the civil rights of terrorists or people who are accused of terrorism and are raising all manner of questions about the possibility that military commissions established by the United States in furtherance of our war against terrorism will somehow, possibly, maybe, deny some right to a terrorist.

That is a matter of great concern to them. They have taken space in op-ed pages of newspapers, editorial pages of the newspapers, hours of conversation as talking heads on these television programs and, indeed, even some questions raised by Members in the Congress about what the United States proposes to do in establishing military commissions and how that might deprive a terrorist or a person accused of terrorism of some civil rights. Their concern for the rights of these people is touching.

I have found it a little bit out of priority or out of sync with priorities. It seems the first priority of those of us who are sworn to protect our constituents, our American citizens, ought to be to ensure their protection. But it was interesting that almost all of the questions from my colleagues on the other side of the aisle, both in the hearing with Attorney General Ashcroft and the head of the Criminal Division, Michael Chertoff, were not focused on ways in which we could give the Justice Department or Defense Department greater tools in the war on terrorism to protect Americans. Almost all of the questions were focused

on whether maybe we were going a little too far in the creation of military commissions and maybe we ought to be more concerned about the rights of the terrorists who were going to be tried in these military commissions. It is an interesting proposition, to be sure.

We can have that debate. It would be a lot better to have it when we are not at war, but at least some legitimate questions were raised. I certainly take nothing from my colleagues who wanted to get to the bottom of what is being done. But I find it ironic on that day, yesterday, we can be debating with great concern over the rights of terrorists in a military commission, in a trial following some kind of military action, and yet seem to be a lot less concerned about the plight of American military personnel who might find themselves put on trial in a foreign country under an International Criminal Court procedure.

The United States is not a party to this, and given the kind of countries that have set it up, I think it will be a long time before we will be a party because they do not have the same kind of concept of justice we do, they are not willing to abide by the same kind of rules the United States will create for those we put on trial. Rest assured, people we try will very much get a fair and full trial. It will probably be a lot like the courts martial we provide for our own military personnel.

What we are concerned about here is not just sovereignty, the right of the United States to protect its interests. We are also concerned about two other things. We are concerned about protecting our young men and women whom we put in harm's way, in the first instance, to try to protect peace and security for people and do not want to jeopardize this, in the second instance, should they fall into the wrong hands and be put on trial.

Also, paradoxically, I am concerned about the ability of the United States to sustain future operations of the kinds that were engaged in Afghanistan today and hopefully will be engaged in other places around the globe if there is a concern not that we will suffer casualties. We become very casualty averse these days. It is a wonderful thing not to have the same kind of casualties we used to in war, and we are getting used to that.

I hope we would not hesitate to send in troops to fight for security from terrorism, for peace, for freedom in places we think that is important because of the threat that should our military personnel fall into the wrong hands they are going to be tried by people we believe have no right trying them, under procedures that would not sustain muster by the United States. That is why we have not signed on to the ICC.

As has been noted before, President Clinton was very concerned about the inability to protect our service people under the ICC jurisdiction.

Running away from the world? My colleague from Connecticut and I have the same view of the role of the United States being willing to reach out to the oppressed of the world when that also advances the interests of the United States, and we have never hesitated from spilling our blood and spending our treasure on behalf of others when we have believed that was the right and moral and just thing to do, and we have done it. We have never shirked our duty.

Every one of us in this body supported the resolution to authorize the President to once again send our young men and women into combat, if necessary, to protect the rights of people abroad, as well as, hopefully providing, for a safer world for Americans at home.

We will not shirk from our duties by failing to participate in a flawed treaty signed by the likes of Sudan and Iran and Iraq and Haiti and Cambodia and countries such as that. That is not my idea of statesmanship, of rushing to join with these groups of people and sign on to something that, as President Clinton has said, is fatally flawed.

No. We exercise leadership by saying: We are not going to play that game. It is fraudulent. You all create these international regimes to make yourselves look good, to make it look like you are for right, truth, and justice. We know you are not, and we are not going to play that game. When you get serious about negotiating the rights and protections that we demand of our men and women in the military when we send them abroad, then we will get serious and talk to you about this. Until then, no. The United States will act in its own interest first protecting its sovereignty and its own citizens.

We are not the leader of the world for nothing. We have gotten there because we have been willing to do this: not to be a follower but to be a leader. To be a leader sometimes is to say to other nations such as the ones I have read off, we are not going to follow you. We do not think your motives are clear. We think you have it all wrong, and until you are willing to listen to us about what is necessary to protect the rights of everyone, not just Americans but certainly Americans included, we are not going to play your game.

I resent the notion that failing to join up with the likes of that group of countries is somehow abdicating our responsibility. I think the President of the United States has it right. He campaigned on a theme and he has been working on a theme that we are going to do what we believe is in the best interest of the United States, consistent with the interests of other people around the world.

The first thing we are going to do is we are going to protect ourselves from a weapon of mass destruction delivered by a missile from a rogue nation. Missile defense, if you do not like it, tough. We are going to protect the American citizens from that kind of a threat.

Another thing we are going to do is we are going to reduce the number of nuclear warheads in our arsenal, and we do not have to sign a treaty with anybody to do it. If it is in our best interest, we are going to do it.

President Vladimir Putin of Russia and President Bush get together and they agree this is a smart thing for both countries to do. I suspect President Putin will end up doing the same thing for the benefit of his country. You do not have to join up in all kinds of multilateral regimes around the world in order to accomplish good things, and sometimes it is not smart to do this. It is better to hold back and provide leadership by demonstrating that you are prepared to do it in a different way, and the way some of these countries have thought about doing it is not the right way.

I support the amendment of the Senator from North Carolina, the purpose of which is to protect our military personnel from an improper, imperfect system that we all recognize we have to try to improve if we are ever going to be a part of it. Until that date comes, to ensure that they are not put in harm's way—and the provisions of this amendment will make it much more likely, it seems to me. Yes, it will get people's attention, and I think it will make it much more likely they will sit down and negotiate responsibly with the United States so that perhaps someday we can have a multilateral regime called an international criminal court.

Until we get to the point where our rights are respected, the country that has provided more rights for more people in the history of the world than any other country, until that date comes, we need to adopt the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, at this point I do not desire to prolong the proceedings, but so many strange statements are being made that have no relationship with accuracy that I have to correct some of them.

Before I do that, let me say I do not have two better friends in this body than Senator BIDEN, who is now chairman of the Foreign Relations Committee—and I cannot remember who was the former chairman—and the father of Grace, that little sweet thing in Connecticut. That is a wonderful picture he sent, and I bear him no ill will, but I wish I was on their side on this because they are so eloquent and, if I may say so, they are so loud.

In any case, the statement they made that we have not had any hearings in the Foreign Relations Committee, that is strange. On Wednesday, June 14 of last year, 2000, 3:30 p.m., Dirksen Building, 419, the Committee on Foreign Relations held a hearing on the International Criminal Court protecting American servicemen and officials from the threat of international prosecution. The witnesses included the Honorable Caspar W. Weinberger,

former Secretary of Defense, and chief executive officer of Forbes, Incorporated. Then there is a distinguished professor, Dr. Jeremy B. Rabkin, from the Department of Government, Cornell University, and Ruth Wedgwood, professor of law at Yale University. That was a good hearing. I was there.

Then on Tuesday, July 20 of 1999, we had an Ambassador-at-large for War Crimes Issues, the Honorable David A. Scheffer, and this was a closed door hearing so that he could speak candidly and not be put on record.

Then on Thursday, July 23, 1998, in the Dirksen Building, the Foreign Relations Committee heard panel 1, the Honorable David Scheffer, Ambassador-at-large for War Crimes Issues, and panel 2, the Honorable John Bolton—most Senators have heard of John—Lee Casey, attorney from Hunton & Williams, Washington, DC, and Michael P. Scharf, professor of law, Boston, MA.

The point is, the President of the United States wants this amendment. He does not want a second-degree amendment to it. He wants this amendment. We have worked it out with the President, and I think he is entitled to have some consideration on this without a whole lot of gobbledegook that is meaningless and, in some cases, not even close to the truth.

I do not mind being opposed, but I hope we can lower our voices. I had to turn my hearing aid down because the sound was ringing in my ears. Can we not address this in a rational sort of way?

Frankly, I have my doubts about some of these judges of other countries with which we do business. I will not identify the country because it is a personal matter, but there is the wife of an ambassador to the United States from one of our finest allies whose husband kidnapped their two little boys and took them to his home in a foreign country. You can't even get the courts of that foreign country to do anything about it—even giving the wife of this Ambassador to the United States a hearing.

This is the kind of thing we run into. I don't want our servicemen subjected to any kind of inhibitions not to their benefit.

If anybody with a second-degree amendment can present credentials that they have the support for their second-degree amendment from veterans organizations, veterans publications, veterans representations, representing 5.5 million servicemen in this country, let the Senators present their credentials and I will be impressed.

But, no, they don't agree with me on this International Criminal Court. They have not done anything to move it along in the Foreign Affairs Committee despite my exhortations. And I understand that. The legislative process works that way, and I don't get my feelings hurt if I don't get my way on things. But I will be here until midnight before I submit to the suggestion that this amendment ought not be approved by the Senate.

I hope we can move along without so much waste of time, but I would hope that any Senator who wants to attack this amendment will tell why he is disagreeing with the President of the United States. I want him to present his credentials as to the support from servicemen and service organizations representing 5.5 million people. If they can present the credentials, I will back up and not push the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I rise today in opposition to the amendment. In my view, the International Criminal Court, as established under the Rome statute of 1998, represents a unique opportunity to bring justice to the international community and to help in the fight against future war crimes, genocide, and other crimes against humanity. That is an important mission.

The Rome statute is the result of 5 years of negotiations by more than 100 countries. The United States was an active leader in these negotiations. Frankly, after years of support for the process, leading to the Court's formation, it is unwise to turn our backs on it now. If properly implemented, the ICC would go a long way toward preventing catastrophes such as those we recently witnessed in Bosnia, East Timor, and Rwanda. The ICC is not going to prevent all future human rights violations but it can deter those who would commit genocide, punish those who do, and offer justice instead of revenge and contribute to a process of peace and reconciliation.

Now, there are Senators who have asserted today that the International Criminal Court is part of the United Nations. It is a common mistake. For the record, the Court will be independent from the United Nations and governed and funded by its own assembly of state parties. Jurisdiction, judicial decisionmaking, and legal authority will be given only to this independent Court, not to the United Nations.

What is more, some of my colleagues in the Senate have opposed the Rome statute because they fear that the ICC will expose American service men and women abroad to frivolous prosecution. But American negotiators, led by Ambassador David Scheffer, have achieved remarkable progress during the treaty negotiations to effectively address these concerns. Any prosecution before the ICC would take place only if the domestic judicial system were unwilling or unwilling to make a good-faith inquiry into allegations of war crimes. I cannot emphasize this point strongly enough.

This amendment would restrict the role of the United States in future peacekeeping missions unless the United Nations exempts U.S. troops from the Court. It would also prohibit U.S. aid and input into the Court and block U.S. aid to allies unless they agree to shield American troops on their soil from ICC prosecution.

The timing of this amendment could not be worse. As the world unites to combat terrorism, we should be active partners in encouraging an end to impunity for human rights violators, not skeptical detractors. We need a place where perpetrators of human rights abuses are held accountable. In passing the Helms amendment, I fear we will be sending a horrible message to the international community. It is as if we cannot even be involved in the negotiations, sitting down at the table and helping to shape what could be such an important institution.

The Court will be established whether we like it or not. The authority of the future Court derives from the 120 votes garnered in Rome, the signatures subsequently of 137 nations and ratifications of 47 states. All members of NATO, the European Union and most in Latin America have signed or ratified. Recently the United Kingdom and Switzerland became the 42nd and 43rd countries to ratify, and Hungary became the 47th nation to do so.

Given these realities, we should oppose this amendment, hastening instead to assure the Court is a good one, inculcating the American values of democracy, rules of law, and an end to impunity. The United States should remain engaged while protecting American citizens and military people from politicized prosecution by the International Criminal Court or by any other foreign tribunal.

If America turns its back on the negotiations, and the Helms amendment would make it impossible for us to be involved in the negotiations, this opportunity to secure international justice will be lost. Only through engagement, which this amendment makes impossible, can the United States live up to the truly inescapable promise of ''never again.''

Thank you. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the debate this afternoon has covered a good many issues of real importance and concern to the United States and to the world. However, I suggest that the preferable approach would be for the United States to participate, to try to make the rules of the International Criminal Court satisfactory to the national interests of the United States, and to establish a framework for the rule of law in the world.

There is no doubt that the United States is going to act in what is in the United States' national interests. That is a fundamental rule of how nations behave and should behave. There are real problems which could be posed by an international criminal court and which are now present, for example, in the War Crimes Tribunal on Yugoslavia. It is not well-known that Carla

del Ponte, the prosecutor at The Hague, considered a criminal prosecution against General Wesley Clark for targeting civilians and for being careless in the targeting of military installations which threaten civilians. That consideration was undertaken by the prosecutor at The Hague, the War Crimes Tribunal for Yugoslavia, on the initiation of Yugoslavia, backed by Russia.

I had an opportunity last January to talk to prosecutor Carla del Ponte about that and expressed surprise that someone like General Clark, who was acting on behalf of NATO and carrying out air strikes that were authorized by this body, the Senate, could be subject to that kind of a criminal prosecution for what was essentially an action authorized by the United States, authorized by the United Nations, and authorized by NATO. That kind of power in the hands of the prosecutor is really extraordinary.

As is generally known, I have had some experience as prosecuting attorney—having been District Attorney for Philadelphia for some 8 years, and having seen the kind of discretionary actions that a prosecutor can take when it is a matter of interpreting facts.

When we talk about soldiers in the United States who are in harm's way being subject to criminal prosecution, that certainly is a problem, and a real problem. However, what we need to do, in my opinion, is work to structure an international criminal court which makes sense, which does not subject U.S. soldiers, or General Clark, or perhaps Senators who vote on a resolution to authorize air strikes, to criminal prosecution. However, the International Criminal Court, I believe, is coming. If 13 more nations ratify the International Criminal Court treaty, it purports to come into existence.

Frankly, I do not think even if it comes into existence it is going to be able, as a matter of operational practice, to subject General Clark, U.S. soldiers, or U.S. personnel to prosecution unless somebody happens to be in a country and is detained somewhere. I think that would be a most extraordinary and unlikely event. However, we do see quite a trend in the international rule of law with the court for Yugoslavia and the court for Rwanda.

It is my hope that we can find a way to see it structured so that it does not inappropriately subject people to criminal prosecution.

The amendment of the Senator from North Carolina is very detailed. It prohibits extradition. I do not know if you need another law that prohibits extradition. If the United States does not have an extradition treaty with the International Criminal Court, or a body which represents it, there is no extradition. You have to have a treaty for that which talks about letters of interrogatory, which I do not think is highly significant as an evidence-gathering measure. However, there is a provision here to free members of the Armed Forces of the United States and other persons who are detained, and a provision which says, ''The President is authorized to use all means necessary and appropriate to bring about the release of any person''—and it has a description. I do not know that we really want to be in a situation where the United States is going to go to war with the International Criminal Court, which is somewhat reminiscent of the resolution of the use of force, which we passed on the terrorism issue.

The International Criminal Court was considered at some length in a resolution sponsored by the Senator from Connecticut and myself in the early 1980s, at a time when we were dealing with international drug trafficking, and we were finding it impossible to get Colombia to turn over drug traffickers to the United States for prosecution in our courts.

It was a matter of national pride that Colombia and other Latin American countries were not about to turn their citizens over to the United States for trial in our courts. However, had there been an international court, I think that might have been achieved.

We had a similar problem in the mid-1980s with terrorists when we could identify the terrorists. At that time, I urged that the United States take forceful action in international law to go and arrest terrorists, which we had a right to do as a matter of national self-defense. We had a right to arrest Osama bin Laden before September 11th this year based on the indictments which were obtained for murdering Americans in Mogadishu, Somalia in 1993, and for murdering Americans in the embassies in Africa in 1998. We were on notice that Osama bin Laden had threatened America with a worldwide jihad, that he was implicated in the bombing of the U.S.S. *Cole*, and other acts of terrorism and sabotage.

Thomas Friedman wrote an article which appeared in the newspapers about Osama bin Laden on June 28 that was a facetious memorandum from bin Laden to the world about how he had scared the United States out of Jordan and out of the Mideast; and, about his operatives talking on cellular phones. He was well known.

We had a right at that time to bring him to trial in U.S. courts. Perhaps if there had been an international criminal court, there would have been some unity or some coalition with which we could have acted. There are many desirable uses for an international criminal court. It has been talked about for a long time.

The Senator from Connecticut talked at length about the Nuremburg trials, which I will not repeat. When this court arrives with 13 more ratifications—and I remind the one or two people who might be listening on C–SPAN II—that the United States was formed under an arrangement where if nine of the colonies ratified the Constitution, it was binding on all. We should not be surprised if you have an instrument establishing a court, which is binding under its terms, if it is ratified by a specified number.

Again, it is a different situation. You might say that the colonies had sovereignty. However, under the terms of the Framers of the Constitution, all 13 would be bound upon nine signatures. National sovereignty is a very precious item. I am not about to be one to give it up. I am not about to allow Carla del Ponte to indict Wesley Clark for what he did in carrying out the resolution passed by the U.S. Senate.

However, we have an opportunity to influence what that document will be. I think the Senator from North Carolina serves a very important purpose in posing the threats to American national interests. The Senator from Arizona, and the Senator from Idaho have spoken about these matters. However, I do not think the answer is prohibiting U.S. action, which is what this amendment does.

I think the answer is aggressive participation. If Senator HELMS and Senator KYL go to these conventions and participate—and Senator DODD and I will stay at home—we can influence what these documents will be. I think it will ultimately be in our national interest, and certainly in the world's interest, if we had a criminal court so we can try international drug dealers and international terrorists. It might provide a forum for bringing to justice Osama bin Laden.

My hope is that we will be participants to see that it is done right as opposed to prohibiting U.S. action to see that it is done right.

I yield the floor.

Mr. LEVIN. Mr. President, I cannot support the Helms amendment regarding U.S. policy concerning the establishment of an International Criminal Court in the future. The Helms amendment, in my judgement, goes too far. The amendment offered by Senator HELMS would authorize the use of military force against a friendly country, the Netherlands, where the court might exist, in order to remove a foreign citizen from prison, even if the country of which that person is a citizen might not want that removal.

I supported the alternative amendment offered by Senator DODD which would have required the President to report to the Congress on any additional legislative actions necessary to advance and protect U.S. interests as it relates to the establishment of an International Criminal Court.

Mr. HATCH. Mr. President, I rise in strong support of the amendment introduced by my dear colleague, Senator HELMS. As my friend has noted today, I have been an original cosponsor of this legislation since he first introduced this in 2000. I commend my colleague for his commitment to the policy behind this amendment, for his persistence in promoting it, and on his efforts—successful, I am happy to note—to craft a piece of legislation that has the support of the administration.

I offer a little bit of background: On July 17, 1998, a United Nations conference in Rome approved a treaty establishing the International Criminal Court (ICC). 120 countries voted in favor of the treaty, seven countries—including the United States and Israel—voted against the treaty, and 21 abstained. Pursuant to the Rome Treaty, the court is intended to come into existence when 60 countries ratify the treaty. Forty-seven countries have ratified as of November 30 of this year, leaving 13 nations' ratifications necessary for the treaty to come into force.

If established, the International Criminal Court will have the power to indict, prosecute, and imprison persons who, anywhere in the world, are accused by the Court of ''war crimes,'' ''crimes against humanity,'' and ''genocide.'' The court will have an independent prosecutor, answerable to no state or institution for his or her actions. Pursuant to the Rome statute, the ICC will be able to claim jurisdiction to try and imprison American citizens—including U.S. military personnel and U.S. Government officials—even if the United States has not signed or ratified the Rome Treaty.

Arguing that it was necessary to prevent the exclusion of the U.S. from future negotiations about how the ICC would operate, President Clinton signed the Rome Treaty on December 31, 2000, which was the close of the period for signature. Tellingly, he said on December 31 that he would not send the treaty to the Senate for ratification and would recommend that President Bush not transmit it either, given its remaining flaws. It is reasonable to question exactly what President Clinton intended by such a deliberately ambiguous act with such clearly defined consequences for government officials and members of the U.S. military who would go overseas under future Commanders-in-Chief.

The Senate has gone on record numerous times opposing the ICC. Last June, the American Service Members Protection Act of 2000 was introduced, and I was an original cosponsor. This act, now an amendment to this Defense appropriations bill, addresses our fundamental problem with the ICC: It represents, in legislation vetted and approved by the current commander-in-chief, that U.S. forces, which serve around the world in numerous peacekeeping and other roles, as well as American political leaders, must remain immune from prosecutions that could politically driven, prosecutions that could be directed more against our foreign policy than any possible violations of international law.

This amendment prohibits U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information. It restricts U.S. involvement in peacekeeping missions unless the U.N. specifically exempts U.S. troops from prosecution by the International Criminal Court. It limits U.S. aid to allies unless they also sign accords to shield U.S. troops on their soil from being turned over to the court, and it authorizes the President to take necessary action to rescue any U.S. soldiers who may be improperly handed over to that Court. The policy promoted in this amendment is not anti-U.N., and it is certainly not against U.S. involvement in the world. But it is impossible to deny that America has a unique role in the world, and a unique form of self-government. Today, it is this country that leads the world in a battle against those who would use terrorism against us and our many allies and friends. While we go forth in this war to defend our national security, there is no denying that our victories—and we will be victorious—will be shared by those who hate terrorism as much as we do.

No country has done more than the United States to prevent and punish war crimes and crimes against humanity. No country is doing more than the United States to support multilateral peacekeeping efforts. And nowhere on earth do people enjoy greater civil liberties and personal freedom than in the United States.

The American people will never accept the direct assault on their country's sovereignty represented by the Rome statute. The statute's notion that Americans may be indicted, seized, tried or imprisoned pursuant to an agreement which their country has not accepted is an unprecedented affront to their national sovereignty and a threat to their individual freedoms. The Rome statute lacks procedural protections to which all Americans are entitled under the Constitution, including the right to trial by jury, protection from self-incrimination, and the right to confront and cross-examine all prosecution witnesses. This amendment, so diligently negotiated with the administration by my friend, Senator HELMS, declares to all Americans that you may all rest assured that the Government will always be obliged to protect—and if necessary, to rescue— American soldiers and civilians from criminal prosecutions staged by United Nations officials under procedures which deny them their basic, hard-won constitutional rights.

My comment to the world leaders and do-gooding groups who promote the ICC is simply this: Do you favor American leadership in international humanitarian crises? If so, beware: entry into force of the Rome statute, and establishment of a permanent International Criminal Court, will jeopardize American leadership because politically-driven prosecutions are a certainty and American soldiers and public officials can expect to become political pawns. Americans will not tolerate this.

As President Clinton's own Rome statute negotiator rightly observed, the notion that Americans are bound by something to which they have not consented is contrary to the most fundamental principles of treaty law. Unchallenged, the ICC will inhibit the ability of the United States to use its armed forces to meet alliance obligations and participate in multinational operations, including humanitarian interventions, to save civilian lives. The policy of this amendment has been endorsed by a bipartisan group of former senior U.S. officials, including Henry Kissinger, George Shultz, James Baker, Lawrence Eagleburger, Brent Scowcroft, Jeanne Kirkpatrick, Casper Weinberger, and James Waals.

It has been said that the Rome statute is some kind of ''litmus test'' for American seriousness about war crimes and genocide. No participant in this debate who is worthy of our attention will make such an accusation, which is as offensive as it is false.

From Pearl Harbor to the Adriatic Sea, American has given its blood and treasure to stop mass murderers in conflicts we didn't start. Today, America's best are fighting halfway around the world, attacking at its core a terrorist infrastructure that reaches to every part of the world. Tomorrow, we don't know yet where our brave service members will be, but we know that the fight for terrorism will not end in Afghanistan, and we know that America's finest will be risking their lives elsewhere. These brave members of our armed services are giving enough for this country, for western civilization. Let us not add to their concerns the possibility that, as they do their noble duty, they need be concerned about legal threats that do not represent the Constitution that they have sworn to protect.

Mr. LEAHY. Mr. President, I strongly oppose the amendment offered by the senior Senator from North Carolina on the International Criminal Court.

In addition to being damaging to the cause of international justice, this amendment could not come at a worse time. The administration is moving heaven and earth to maintain a coalition against terrorism and hold accountable those responsible for some of the most heinous acts ever committed on American soil. As a Congress, we are working to stay united on foreign policy and support the Administration in this effort. Over the past several months, Senators from both sides of the aisle have withheld from offering controversial foreign policy amendments on topics from missile defense to the embargo against Cuba. It is unfortunate that the Senator from North Carolina has chosen to offer an amendment that ignites strong feelings from its supporters and opponents, alike.

The ICC is a divisive issue between the United States and our closest allies. Virtually every member of the European Union and NATO has expressed its strong support for the court. In fact, Great Britain, our closest ally and full partner in the ongoing military effort against the Taliban, ratified the Treaty earlier this fall. Morever, the EU recently sent a letter to Secretary

Powell opposing ASPA which reads: ''. . . States which support the court and value their relations with the United States should not have to make a choice between the two.''

At a time when we should be working to resolve differences with our friends, the Helms amendment does exactly the opposite by inflaming these divisions and forcing the United States to adopt an openly hostile stance against the ICC.

I want to mention just a few of the specific problems with this amendment. First, the amendment authorizes the use of force to free officials from not only the United States but also from foreign countries, if they are indicted and held by the court. Let me repeat that: This amendment authorizes the use of military force by the United States, from now until the end of time, to free foreign not only United States citizens, if they are in the court's custody.

While these nations are important allies, suppose some members of their militaries or intelligence services commit heinous crimes that fall within the jurisdiction of the court and are being rightfully detained? As a Congress do we want to authorize a military invasion of The Hague, risking the lives of United States military personnel, to free indicted war criminals? The Helms amendment would cut off military assistance to a number of nations, including Tajikistan and South Africa.

What if we wanted to upgrade an aircraft control tower in Tajikistan to help land United States planes that are carrying United States troops to Afghanistan? What about providing military assistance to South Africa to help spearhead a peacekeeping mission in Africa to which we did not want to commit United States troops?

What about providing C–130 spare parts to a Nation that has ratified the ICC treaty, but wants to help airlift humanitarian aid to a region effected by famine? In addition, the amendment makes America a potential safe haven for war criminals by prohibiting the United States from turning over indicted war criminals residing on our soil. It would also place restrictions on United States participation in peacekeeping missions.

We all want to pass legislation that will enhance the safety and security of our military personnel. But, this bill increases tensions with our allies and works against our efforts to maintain a coalition against terrorism. If anything, this will make our military personnel less safe.

If the goal of this amendment is to prevent the International Criminal Court from getting the necessary ratifications to come into existence, it is almost certain to fail. It would require a head-to-head confrontation with our European allies and over 80 countries outside of Europe that have signed, but not yet ratified the treaty, and require us to be almost 100 percent successful. More importantly, the United States, to which the whole world looks for leadership on human rights, should not be engaged in a fruitless effort to undermine a court that will bring to justice those responsible for committing war crimes, genocide, and crimes against humanity.

Instead, we should be actively engaged with the court to ensure that it operates in a way that protects the rights of American servicemembers and promotes our values and interests.

The Senator from North Carolina is the ranking member of the Foreign Relations Committee, and that is where this amendment belongs.

This is the wrong amendment at the wrong time. I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the Senator from Texas would want to speak—for what period of time?

Mr. GRAMM. I am not sure. I would like to be recognized. I don't think I am going to speak very long. If you want to set a time limit on it, I would say 10 minutes.

Mr. REID. Mr. President, I ask unanimous consent that there be a time limitation of 60 minutes equally divided between Senators DODD and HELMS, or their designees, and that part of the Helms 30 minutes—10 minutes—go to the Senator from Texas; that Senator DODD also have a complement of time which he would designate; that the two amendments be considered first-degree amendments, at the conclusion or yielding back of the time the Senate vote on or in relation to Senator DODD's amendment; that upon the disposition of that amendment, the Senate vote on or in relation to Senator HELMS' amendment, and that no other amendments be in order to either amendment.

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

Mr. DODD. Might I just say to my colleague as well, the majority whip said 60 minutes. We may not need 60 minutes. I do not know how much time the Senator from North Carolina would like, but I do not imagine 30 minutes will be necessary on our side. So maybe because of the hour, we may terminate debate a little earlier and yield back time and actually vote earlier.

Mr. REID. I would say to my friend, originally we got 40 minutes, but I wanted to make sure you had enough time to respond.

Mr. DODD. I thank the Senator.

I know the Senator from Texas wants to be heard.

Mr. GRAMM. The Senator may want to speak first.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Connecticut.

Mr. DODD. Madam President, I will take a couple minutes to respond to just a couple things, if I could.

I thank my colleague from Minnesota for his eloquent comments, and my colleague from Pennsylvania, who is far more knowledgeable than the Senator from Connecticut on these matters generally, and has offered some very wise counsel on how we ought to proceed.

I think having this debate helps. I am not suggesting it does not. But I am deeply concerned about proceeding with an amendment of some 28 pages now. I do not know if anyone can tell you with any certainty what it does. I am concerned about what I think it does. It may do more than I think it does, which would worry me.

I have offered, and will describe shortly, a substitute or alternative amendment which we will vote on which lays out a framework by which we might approach this issue of the Rome Treaty in a constructive way.

I guess it is a matter of choice. If you take the view that under no circumstances should there be an International Criminal Court, you should vote for Senator HELMS' amendment. I am not arguing there are those who do not have a point of view that there should be no International Criminal Court. That is a legitimate point of view.

If your view is there probably should be, but it ought to be set up in a framework that makes sense, that guarantees the kind of protections that my colleagues have talked about today, that would allow for the civilized world to prosecute international thugs, then, it seems to me, we bear responsibility to help that along and not retard it here by taking the position of adopting language which makes it impossible for us to participate in the creation of such an institution.

That is my point. There are details of it where I see us taking a giant step backwards today. At the very moment, we are trying to get people around the globe to understand that our value system, our idea of justice, is a good system and that we would like to see those values incorporated in an international court. But it is awfully difficult to advance the cause of your own values if you are not in the room to make the case. I do not want to rely on some of the countries that I see on this list that have ratified this treaty to advance that cause.

Now some I have great faith in. As I pointed out, 139 countries have signed this. Now I am told some 42 countries have ratified it, every member of the European Union, 18 of the 19 members of NATO.

My friend from Arizona cited a couple of countries that I know none of us bear much allegiance to in any sense at all. But it is also worthwhile to point out to our colleagues that our NATO allies have signed this. They have troops that go into these conflict areas. Are they all wrong? Are they all wrong? I do not think so.

Is it all right, this treaty? No. I will repeat again, if that treaty arrived through that door this afternoon, and we had an up-or-down vote on it, I

would vote against it because I think it is flawed. But I do not think it is so flawed that we cannot improve it and make it work for our interests.

You cannot play on the international field and walk away from this issue. I guess that is the line of distinction I would make.

My colleagues know that I have a great sense of pride about my father. My father served as the Executive Trial Counsel at Nuremberg. I cannot tell you the times I heard him say: Had there been an international court in the 1920s and 1930s, just maybe, he said, just maybe—he never directly predicted with absolute certainty—but just maybe Adolf Hitler might have been stopped before he caused the destruction he did in Europe because there was no place to really bring the issue. And so his advance—this crushing of neighboring countries and the destruction of human life—went on unabated until the United States and our allies successfully prosecuted the end of World War II.

But had there been a place, had there been someplace in the world that we could have brought an Adolf Hitler when he first started, my father always thought, just maybe—just maybe—we might have saved millions of lives.

So when my friends today say this court is flawed, and therefore we are going to enact legislation now that penalizes those who are trying to make it work, I do not understand the logic of that. I really do not.

It seems to me, if we are worried about our men and women in uniform, the idea somehow that this institution, this international court, flawed as it is, is not going to exist, is terribly naive. And the very concerns that are being expressed about our men and women in uniform become more real if this court ends up looking like its opponents claim it will. There is nothing here that will prohibit that servicemen and women from being caught in that snare.

At home in the United States, existing law prohibits the extradition or transfer of U.S. citizens to the International Criminal Court. That is already the law of the land. So if you are in the United States, you cannot be extradited under existing law.

But the idea that somehow because we adopt this amendment—which causes us to step away from all this, walk away from our involvement—that it is going to somehow give greater protection to that private or corporal or sergeant out there in some God-forsaken land defending our interests is naive. In fact, we put that individual at greater risk because we are not in the room trying to shape what this court looks like.

If, in fact, someone does get apprehended, and they end up in a kangaroo court, we will be responsible, in a way, because we walked away from the responsibility of trying to shape that institution. You cannot complain about the makeup of the institution if you do not participate in the creation of it.

We have been offered a chair at that table, and we are walking away. And when you do, then, it seems to me, you bear some responsibility for what that institution ultimately adopts, and whether or not it affects the citizens of your country.

Stay at the table. Try to change it. At the end, you may not be able to. Then it is their fault. But you cannot walk away from the table, and then have your people caught, and then say: That is not my responsibility. That is not a legitimate answer to this question.

So the Senator from Pennsylvania has offered what appears to be sound advice. That is what our amendment will offer, in a sense.

Very briefly, I will read the amendment to my colleagues. There are certain findings in the first section. It is very brief. It says:

(1) The Rome Statute establishing an International Criminal Court will not enter into force for several years:

(2) The Congress has great confidence in President Bush's ability to effectively protect US interests and the interests of American citizens and service members as it relates to the International Criminal Court; and

(3) The Congress believes that Slobodan Milosovic, Saddam Hussein or any other individual who commits crimes against humanity should be brought to justice and that the President should have sufficient flexibility to accomplish that goal, including the ability to cooperate with foreign tribunals and other international legal entities that may be established for that purpose on a case by case basis.

And lastly, it calls for a report:

The President shall report to the Congress on any additional legislative actions necessary to advance and protect US interests as it relates to the establishment of the International Criminal Court or the prosecution of crimes against humanity.

That, seems to me, to be a more logical way to proceed than some 28-page amendment that has us cutting off aid, not participating in peacekeeping, not allowing us to even participate in proceedings when U.S. citizens or other people have committed crimes against our own country. Those are things that at least appear to be the case on the face of the amendment as it is offered by my colleague from North Carolina.

Lastly—and then I will yield the floor for a moment—I want to read a letter from Elie Wiesel. I think all of our colleagues know of Elie Wiesel, the Nobel laureate, distinguished writer, humanitarian, who was himself a survivor of the Holocaust.

When a similar piece of legislation was being considered by the other body, Elie Wiesel wrote the following letter:

Dear Ben and Sam—

Chairman and ranking member of the committee in the other body—

I too am concerned with the safety of United States servicemen abroad. But I am confident that we will be able to protect them. And so, bringing a war criminal to justice remains urgent.

Fifty years ago, the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremburg was not only that individuals were held accountable for their crimes, but that they were tried in a court of law supported by the community of nations. Before you today in committee is a bill that would erase this legacy of US leadership by ensuring that the US will never again join the community of nations to hold accountable those who commit war crimes and genocide.

A vote for this legislation would signal US acceptance of impunity for the world's worst atrocities. For the memory of the victims of the past genocide and war crimes, I urge you to use your positions . . . on the International Relations Committee to see that this legislation is not passed.

It is signed ''Elie Wiesel.''

I will yield the floor at this point and listen to the remainder of the arguments. I urge my colleagues, when the time comes, to consider the proposal we will lay before them which allows us to go on record expressing a concern and a desire to have this Court work better.

If you think there ought to be no court whatsoever, that there is no legitimate purpose for an international criminal court, I urge you to vote for the Helms amendment. If you think there is an importance in the 21st century for a court to exist and that the United States ought to participate in the shaping of that court, I urge Members to support the amendment we will offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, if there has been a debate this year that is about what our values are, this debate is about what our values are. I have to say, I am kind of taken aback that for the last 3 weeks every time I have turned on the radio or television, we have had people talking about how concerned they are about the process whereby the President would use a system of military justice against brutal terrorists and murderers who supported those who seized airplanes and attacked the United States of America, killing our women and children in our own country.

Somehow there is this great wave of supposed constitutional concern about trying brutal murderers who are terrorists in military courts. And yet when Senator HELMS and Senator MILLER offer an amendment which guarantees that American soldiers abroad, who are defending our interests, defending our freedom, risking and giving their lives, serving our country abroad, that they could be subject to being brought before an international court where no judge is an American, no procedure was established by an American Congress, no constitutional guarantees apply, it seems to me this debate is about as clear cut as it can be clear cut.

We ought to have an international court to try people like Adolf Hitler. But when I send my son or you send your son or your daughter into the military to serve our country, they should not be subject to being brought

before an international tribunal. That is the issue, pure and simple. It can't be more basic than that.

I would have to say that I would find it absolutely impossible to justify to a mother or father in my State who had sent their child to Afghanistan to fight and perhaps die for our freedom, if they ended up before some international court where no judge was an American, applying procedures that no American Congress ever applied, and denying their constitutional rights.

There are a lot of debates we can have. One of the things we are going to have to come to grips with is to what extent these international tribunals apply to Americans, because we have rights as Americans under our Constitution, and those rights cannot be delegated to somebody else, to some other jurisdiction. There is no jurisdiction on this Earth in a temporal sense that stands above the Constitution of the United States. No international court, no international body, no temporal authority stands above the Constitution of the United States.

That is a bigger issue than the issue we are debating here. Senator HELMS and Senator MILLER are not today debating whether Americans in general should fall under the jurisdiction of international courts. They are talking about a very select group of people who put on the uniform, who raise their right hand and swear to uphold, protect, and defend the Constitution against all enemies, foreign and domestic, and yet we are debating whether the Constitution defends them. We ask them to swear allegiance to the Constitution, put on the uniform, go to Afghanistan, and then potentially they could stand naked, in terms of their rights, before an international tribunal and not have constitutional protections. That is an absurdity.

This amendment is very simple. It says in the clearest possible terms, so no one could misunderstand: No American serving abroad in the uniform of this country can be tried before an international tribunal. If they violate the law, they will be tried under the law and under the Constitution, either in an American military court or in an American civil or criminal court. This is not a complicated issue. This is a very clear issue.

I thank Senator HELMS. I thank Senator MILLER. This is a decision we should have made a long time ago.

The idea that somehow we are going to try to work out these rules, somehow we are going to try to negotiate this—I am not interested in negotiating the constitutional rights of people who are at this moment fighting and dying in a foreign country to defend the Constitution. Their constitutional rights are nonnegotiable. There is no tribunal on Earth, other than one constituted under the Constitution of the United States, that would have jurisdiction over my son fighting in a foreign country defending our freedom. That is just simple and straightforward.

I think Americans would be astounded that there could be any question about that. The problem is not, is the Court good? Is the Court bad? Is the Court reasonable? Is the Court unreasonable? Are these good men who are judges or good women? Are the prosecutors fair? Are the jurors objective? Those are completely irrelevant. No study of how to improve the Court is at all relevant in this debate. The question is jurisdiction, and they have no jurisdiction over anyone who puts on the uniform of this country and swears to uphold, protect, and defend the Constitution.

If they are defending the Constitution, I want the Constitution to defend them. I don't want them tried under any jurisdiction that is not bound by the Constitution.

Mr. DODD. Will my colleague yield for a second on that point?

Mr. GRAMM. I am happy to yield. Could I yield on the Senator's time because mine is limited?

Mr. DODD. Whatever time, we will work it out later.

I say to my colleague, we have status of force agreements around the world. I am sure my colleague is aware, who served on the Armed Services Committee, that we have status of force agreements. There are U.S. servicemen all the time who are tried in local courts in other countries. We are not breaking ground here. We have known about those cases. We read about them, tragically, when they occur. We have those agreements whenever we place troops in various places—Japan being the most recent example.

I don't mind your argument. But to suggest somehow that men and women in uniform are never subjected to any jurisdiction of a foreign land where the courts and the laws may be substantially different than what we have is not the law of the land is absurd.

I am not interested in seeing laws adopted here that subject our men and women in uniform to foreign laws, but we do that already, it seems to me.

Mr. GRAMM. Madam President, if I could regain control of my time, I thank the Senator for raising this point. Let me make the following point:

These circumstances occur when first of all, we have negotiated agreements with these countries whereby service personnel stationed on a friendly basis in these countries will be subject to local law, they are defended by American defense attorneys, and they ultimately have their rights protected through these guarantees.

We are not talking about people in Somalia, and we are not talking about Americans in Afghanistan.

Mr. MCCAIN. Will the Senator yield for a brief question?

Mr. GRAMM. Yes.

Mr. MCCAIN. Has the Senator read a book, which is being made into a movie, ''Black Hawk Down?''

Mr. GRAMM. I have.

Mr. MCCAIN. I recommend it highly. Because of the situation the American special forces were in, they had to kill thousands. They killed thousands as they fought their way out. I would not like to see those Americans before a tribunal composed of Somali Government people.

Mr. GRAMM. If I may conclude—other people want to debate—here is my point. When we sent American troops to serve in Japan and to serve in Korea, we negotiated agreements whereby they could be tried for local offenses by local authorities. But that is a world apart from when we send marines into Somalia and when we send marines and special forces into Afghanistan.

That is the issue about which we are talking. We are talking about the jurisdiction of International Criminal Court set up by a treaty that we have not ratified, and we are talking about American military personnel wearing the uniform of this country. All the amendment by Senator HELMS and Senator MILLER does is say that American service personnel cannot be tried before this Court. No judge is an American, no procedure is set by Americans or negotiated by them. We have not ratified the treaty. It is imperative we adopt this amendment, and I have every confidence we will.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, the point I was trying to make is we negotiated status agreements with these countries to guarantee and protect the rights of men and women in uniform. But in an international criminal court there will be negotiations—and we are walking away—to protect the very issues my colleague from Texas raises.

By not participating, of course, without being at the table, we are not there to protect our people.

We are making the assumption that with the adoption of this amendment, this is going to go away. It does not go away. That is the point I was making.

Just as we negotiated status arrangements with individual countries on how our men and women in uniform will be treated so they will not lose their rights under local civilian courts, what I am suggesting this afternoon is that we ought to do the very same thing in negotiating at the table over this International Criminal Court.

In not being there there is a far greater likelihood our men and women in uniform are going to be subjected to terrible rules. We have to be there, just as we had to negotiate the status agreements of how men and women in uniform are treated in Japan. We have seen cases there, and had we not negotiated agreements, Lord knows what would have happened to them. We did not say to Japan: You are going to take it or leave it or we are going to rip the people out of your courts. No. We sat down and said: This is how it will work.

This is not a debate about who worries about men and women in uniform.

It is whether or not we are going to have any kind of an international court institution in the 21st century. We are asking the world to join us in apprehending the Osama bin Ladens. We are building a coalition to work with us and then bring these people to trial.

I have not raised this issue today, but my colleagues keep raising the issue that military tribunals is somehow part of this debate. I do not think there is any legal issue at all over whether we can have a military tribunal. That is beyond question. There ought to be and can be military tribunals. I can question the wisdom of establishing them in every case because I think there ought to be a selective use of it. I happen to believe having public trials demonstrating how we operate under the rule of law makes more sense, but I do not question the President's authority at all to establish a military tribunal, if that is what he decides to do. That is not the issue.

We are going to be asking countries to extradite people, to bring them here and try them in these tribunals. At this very hour our State Department is reaching out to get the world to cooperate with us, we are walking away from the International Criminal Court. Every member of NATO has signed and ratified this agreement; every member of the European Union has ratified it, not to mention all of our allies all over the globe.

For the life of me, I do not understand why we are going to adopt a 28-page amendment which, as I pointed out earlier, makes it so we are not involved in peacekeeping forces, we cut off aid to countries, we cannot participate in these courts where even U.S. citizens have been attacked.

I do not understand why at 5:15 on a Friday night my colleagues want to adopt a 28-page amendment when we do not understand, in my view, the full implications of this amendment.

Again, I give my colleagues a chance to vote on an alternative which asks the President to send a full report to Congress on additional legislative matters we can take to responsibly protect our service men and women.

By the way, it is not just service men and women who we should be protecting. I have great affection for those who wear the uniform, but citizens who do not work for the Federal Government, do not work for the State Department, who may be traveling, ought to be protected as well. My colleagues today are talking about service men and women, and they deserve a special status, but today U.S. citizens can also be caught up in this. We travel a lot. How many people travel all over the globe every day to expand markets so we can employ people in this country? It seems to me we are not including them at all. The only people who are included are Government employees. Do not U.S. citizens also deserve some protection in these courts?

I had hoped this amendment would be withdrawn. I really hoped it would be, and then we would come back and try to fashion something we all can embrace. Instead, there seems to be a desire to divide us on this question.

Again I make the point, if my colleagues really believe there ought to be no international criminal court, then they ought to support the amendment of my friend from North Carolina. If my colleagues believe there is a value in this court, they should reject Senator HELMS' amendment and support mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, forgive me for not being able to stand. I do not know where I put an end to mistaken statements in this debate. I have corrected several of them this afternoon. It is a good thing everybody involved in this debate are friends. We will be friends when we walk out of here. But such statements have been made that there have not been any hearings in the Foreign Relations Committee. There have been 3 days of hearings.

The statement was made that the Bush administration will be prohibited from further negotiations of the criminal court and that it will be deleted from the statute books should the Senate ever verify the Rome statute. That is simply not so.

I hope for the remainder of this debate we can come pretty close to factual statements and not resort to a situation—I do wish the opponents of this amendment will tell how many of our service men and women support their motion to table the amendment of Senator MILLER and me.

We do not have 5.5 million service people represented by the organizations that have contacted us on their behalf, who support us and who, therefore, support the other side. If they have 5.5 million people, I wish they would trot them out.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Madam President, if I could be recognized one more time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Senator HATCH is on his way, and he wishes to speak. So I want to spend some of our time waiting for him to let him speak.

Mr. DODD. Would the Senator from North Carolina mind if our colleague from Louisiana spoke on a subject related to a matter before us?

Mr. HELMS. I always like to hear the lady.

Mr. DODD. How long does the Senator from Louisiana wish to speak?

Ms. LANDRIEU. Ten minutes.

Mr. DODD. How much time do we have on both sides?

The PRESIDING OFFICER. The Senator from Connecticut has 12 minutes, and the Senator from North Carolina has 18½ minutes.

Mr. DODD. I am prepared to yield my time back anyway, so I yield 10 minutes to the distinguished Senator from Louisiana. I ask unanimous consent that she be allowed to speak on a matter unrelated to the pending matter before this body.

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

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank my colleague from Connecticut and my colleague from North Carolina because this truly is a very important debate, one of the important aspects of the underlying bill. But because I had not been able to speak earlier on the underlying bill, and as a member of the Armed Services Committee, I wanted to take a few moments to talk about some of the important components of the Defense appropriations bill we are considering, particularly on this very special day which is commemorating the 60th anniversary of Pearl Harbor, and particularly because of the tremendously challenging circumstances we face as a nation.

I am aware that in a few minutes we will vote on this particular amendment. It is really a very important matter we will decide concerning this International Court, but I want to take a moment to share with my colleagues, to remind them, of another historical event, and that was in the month of August of 1814.

One hundred eighty-six years ago, this Senate and most of the public buildings in Washington were burned to the ground. It was the grimmest moment for our young Nation. We had won our freedom from England and now, during the second war of independence, we experienced in some ways complete humiliation. Adding to this humiliation, it occurred under the Presidency of James Madison, the father of the Constitution and one of the greatest minds the United States had ever produced. An observer of the attack described the scene. He said:

> It was a sight so repugnant to my feelings, so dishonorable, so degrading to the American character and at the same time so awful it almost palsied my faculties.

That means caused them to tremble.

I think everyone knows exactly today, in hindsight of September 11, how President Madison felt. When we watched the World Trade Center, the center of our economic vitality, destroyed, when we could see from some rooftops in Washington and actually from some of the vistas from this exact building the fires burning over the Pentagon, I think we can all know exactly how President Madison and this man who gave us this quote felt on that day.

Yet we also know, for the second time in our history, this building again was the target of attack. Although it was not hit, it was a target, and we might have piled horror upon horror to see this exact building burn to the ground again.

The War of 1812 was divisive. It divided North and South as well as the emerging constituency of the West. Yet when our Capitol was burned, the

American people knew we could no longer delay and divide. We had to unite and prevail. We could spare no resource, ignore no strategy, reject no talent in that effort to preserve the American experiment in democracy.

We are engaged in a similar struggle today. We must unite and prevail, and we should spare no resource in doing so. That is why I have been a strong advocate for the Byrd amendment, and that is why I am a strong proponent of this underlying Defense bill.

I know at this exact moment the leaders are engaged in a negotiation that will hopefully help us support a strong Defense bill, one that funds the men and women in uniform and gives them the supplies, equipment, technology, research, housing, schools, health care, weapons, and ammunition they need to fight a war in Afghanistan and to protect us at home.

There are a number of provisions I support in the underlying bill, and I also support Senator BYRD's gallant, valiant, courageous, and visionary efforts to add to that underlying bill some resources for our homeland defense and homeland security.

In the underlying bill, there are a number of provisions which I support. First and foremost is the support for the cooperative threat reduction program. That phrase did not really mean much to anybody before September 11, ''cooperative threat.'' It was hard for people to grasp what it was exactly, but now that we know and we can see we have still enemies willing to use powerful weapons against us to destroy Americans and our way of life, we understand the cooperative threat reduction program, which is a partnership with Russia to contain weapons of mass destruction, most certainly should be funded and most certainly supported.

Our Capitol, our White House, and our Federal buildings burned in 1814, and we saw them again targets earlier in September. We know our enemies want to gain access to weapons of mass destruction. We know they want them. We know they have tried to get them, and we know that they will try to use them if they gain access to them.

So in the underlying bill that has been carefully crafted by Mr. INOUYE, the Senator from Hawaii, and the Senator from Alaska, with the support of many on the Democrat and Republican side, we provided $357 million to complement the $300 million in the Department of Energy funding this year. It represents a $49 million increase over last year. That is the good news.

The bad news is if we had allowed the Byrd amendment to go forward, we would have had an additional $256 million investments in the cooperative threat reduction program, spending more money in an urgent fashion, in a transparent and accountable fashion, to make sure we get to those weapons of mass destruction before our enemies do.

We know it is not just nuclear materials. We know there are chemical weapons, there are biological agents and, again, they have said they want them. They have said if they get them, they will use them. We know this building we stand in today is a target of their negative feelings toward our country and all for which it stands.

So I am very hopeful that in the negotiations we are not leaving on the table some extra money, so important to the cooperative threat reduction and as a testimony to the great work done by Senator LUGAR from Indiana and Senator Nunn, the former Senator from Georgia who did a magnificent job helping this Senate and this Congress come to grips with the fact that these weapons were out there and that it was not a foreign aid program for Russia, it was a protection program for the citizens of the United States of America. I hope that does not fall on the floor in the scraps of the amendments and the debate.

A second area I endorse is our continued funding of the national missile defense program. I know this program has its critics, and I know some of its champions claim it can do more than it can, but I will say with continued persistence and with dedication and with careful, deliberate testing, I am convinced that this Nation can develop a limited missile defense system, perhaps land-based or Navy-based, that can protect this Nation in the future against threats from Iran and North Korea or other such nations that have advanced missile technology.

Again, there is going to be one city in their target, and that target is going to be Washington, DC. So as a supporter of national missile defense, I support the $7 billion of investments that we make in this bill.

I also support the compromise that was deftly crafted and I think smartly crafted to say that the President, in addition to the $7 billion, can have $1.3 billion to add to missile defense if he sees fit, but if not, he can also use this money for counterterrorism efforts. I urge the President to be careful in his deliberations, to be delicate, to be thoughtful in his deliberations about how to divide that $1.3 billion. It is a lot of money. It can do a lot of good.

Also, a great deal of the effort could be wasted. We have to make sure we know not only what the possible threats are but what the probable threats are, what the likely threats are, and take our precious treasures and resources that the American people pay in taxes—as wealthy people, middle-class people, and poor people—that contribute to the Treasury of this United States and make sure that money is spent investing in what will help keep them safe from these weapons of mass destruction and these asymmetrical threats that terrorists are now using effectively today in the world.

This is a good compromise on the underlying bill. I urge the President to think about the transformation necessary and spend that money for counterterrorism efforts. There are any number of good ways to do that.

Finally, we cannot forget our most effective weapon, whether in 1814 or 2001 or whether it was as Senator INOUYE so beautifully said this morning, 60 years ago when Pearl Harbor was bombed, the American men and women who serve this country in uniform. It is not just the generals; it is not just the sophistication of the weapons; it is not just that our technology is so advanced that our private sector can respond more quickly. The real genius of our Nation lies in the spirit, in the humanness of the American men and women in uniform, the 18-year-olds in the foxholes, the 22-year-old young men and women who serve this country.

This bill helps to honor that great American truth by funding an increase in their pay, by providing the health care that we promise, by making sure that when they are sick there is a veterans hospital for those who have served admirably. We have also started to focus on housing.

In conclusion, in the underlying bill we also honor our service men and women by supporting them in their housing, their schools, and their hospitals. I cannot think of anything I would want my country to do more for me if I had to ship off than to know my country was doing what it could to care for my spouse and my children, knowing if my child got sick, there was a clinic for them to go to; if my husband was stressed, there was a phone he could pick up with a friendly voice on the other end. So if I were in Afghanistan or if I were in India or Somalia, I could fight with all the courage and strength because I knew my Government was doing its part for my family back home.

That is what men and women in uniform want. They don't need essential food. They don't even need a comfortable place to sleep. They want to know their families are secure.

That is what this bill does. It was done in a bipartisan way, and I am proud to be part of that effort and hope we can do more in the future.

Finally, our country has come a very long way since the dark days of August 1814. Almost 200 years later we face a similar danger. I am proud we are reacting as we did then, with unity and purpose of determination. I thank the Senators for their strong work on this bill, and I look forward to the passage of this legislation.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I have the list of military organizations that have endorsed the amendment of Senator MILLER and myself. I will read into the RECORD the list of those names: the National Guard Association of the United States, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of Military Surgeons of the United States, the Association of U.S.

Army, the National Military Family Association, the CWO & WO Association of the U.S. Coast Guard, the Enlisted Association of the National Guard of the United States, the Fleet Reserve Association, the Gold Star Wives of America Incorporated, the Jewish War Veterans of the USA, the Marines Corps League, the Marine Corps Reserve Officers Association, the Military Order of the Purple Heart, the National Order of Battlefield Commissions, Naval and Enlisted Reserve Association, Naval Research Association, the Navy League of the United States, the Non Commissioned Officers Association of the United States of America, Reserve Officers Association, the Veterans' Widows International Network Incorporated, the Military Chaplain Association of the United States of America, the Retired Enlisted Association, the Retired Officers Association, the United Armed Forces Association, the U.S. Coast Guard Chief Petty Officers Association, the U.S. Army Warrant Officers Association, the Veterans of Foreign Wars of the United States, and I feel obliged to mention one more time that the President of the United States favors the Helms-Miller amendment.

I yield the floor, and I yield back my time if my colleague will yield back his.

Mr. DODD. I am happy to do it but will take 30 seconds and I will ask for the yeas and nays on my amendment. I will not move to table the amendment of my friend from North Carolina but give it an up-or-down vote. There will be two separate votes. We may want to abbreviate the second vote. It could move matters along.

Have the yeas and nays been ordered on the Dodd amendment?

The PRESIDING OFFICER. No.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I am prepared to yield back my time.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the Dodd amendment No. 2337. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—48

Akaka	Breaux	Clinton
Baucus	Byrd	Conrad
Bayh	Cantwell	Corzine
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Boxer	Chafee	Dodd
Dorgan	Kerry	Reid
Durbin	Kohl	Rockefeller
Edwards	Landrieu	Sarbanes
Feingold	Leahy	Schumer
Feinstein	Levin	Specter
Graham	Lieberman	Stabenow
Harkin	Mikulski	Torricelli
Inouye	Murray	Voinovich
Johnson	Nelson (FL)	Wellstone
Kennedy	Reed	Wyden

NAYS—51

Allard	Fitzgerald	McConnell
Allen	Frist	Miller
Bennett	Gramm	Murkowski
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Nickles
Bunning	Hagel	Roberts
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Cleland	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Craig	Inhofe	Snowe
Crapo	Kyl	Stevens
DeWine	Lincoln	Thomas
Domenici	Lott	Thompson
Ensign	Lugar	Thurmond
Enzi	McCain	Warner

NOT VOTING—1

Jeffords

The amendment (No. 2337) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2336

Mr. PRESIDING OFFICER. The question now is on agreeing to the Helms amendment No. 2336. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—78

Allard	Ensign	McCain
Allen	Enzi	McConnell
Baucus	Feinstein	Mikulski
Bayh	Fitzgerald	Miller
Bennett	Frist	Murkowski
Bond	Graham	Nelson (FL)
Breaux	Gramm	Nelson (NE)
Brownback	Grassley	Nickles
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Campbell	Harkin	Rockefeller
Carnahan	Hatch	Santorum
Carper	Helms	Schumer
Cleland	Hollings	Sessions
Clinton	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kerry	Stabenow
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
DeWine	Landrieu	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lincoln	Torricelli
Durbin	Lott	Warner
Edwards	Lugar	Wyden

NAYS—21

Akaka	Daschle	Levin
Biden	Dayton	Murray
Bingaman	Dodd	Reed
Boxer	Feingold	Sarbanes
Byrd	Inouye	Specter
Cantwell	Kennedy	Voinovich
Chafee	Leahy	Wellstone

NOT VOTING—1

Jeffords

The amendment (No. 2336) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2343

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN), for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DORGAN, Mr. INHOFE, Mr. BURNS, Mr. BREAUX, Mr. REID, Mr. ROCKEFELLER, Mr. TORRICELLI, and Mr. JOHNSON, proposes an amendment numbered 2343.

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

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

The amendment is as follows:

(Purpose: To expand aviation capacity in the Chicago area)

At the appropriate place, insert the following: ''*Provided further*, That before the release of funds under this account for O'Hare International Airport security improvements, the Secretary of Transportation shall, in cooperation with the Federal Aviation Administrator, encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport, including parallel runways oriented in an east-west direction; constructing a south suburban airport near Peotone, Illinois; addressing traffic congestion along the Northwest Corridor, including western airport access; continuing the operation of Merrill C. Meigs Field in Chicago; and increasing commercial air service at Gary-Chicago Airport and Greater Rockford Airport. If such a plan cannot be developed and executed by said parties, the Secretary and the FAA Administrator shall work with Congress to enact a federal solution to address the aviation capacity crisis in the Chicago area while addressing quality of life issues around the affected airports.''

Mr. REID. Mr. President, I know the Senator from Illinois has the floor. Will the Senator from Illinois yield to me?

Mr. DURBIN. I am happy to yield.

Mr. REID. I ask unanimous consent that the two Senators from Illinois—the other Senator was in the Chamber—will agree to a time limit prior to a vote.

Mr. MCCAIN. I object.

Mr. DURBIN. Mr. President, this amendment is cosponsored by Senator GRASSLEY, myself, Senator HARKIN, Senator DORGAN, Senator INHOFE, Senator BURNS, Senator BREAUX, Senator REID, Senator ROCKEFELLER, Senator TORRICELLI, and Senator JOHNSON. It is an amendment relative to an airport in Illinois which is known by every Member of the Senate and known across the Nation: O'Hare International Airport. There is not a Member of the Senate gathered this evening who has not had an experience with a delay and a problem at O'Hare. Many of them have

shared those experiences with me as I have discussed this amendment. Many of the Members of the Senate and the people following this debate know that the current situation at the airport at O'Hare literally has a stranglehold on aviation across America.

When there are delays and problems at O'Hare Airport, those problems affect cities and airports across America. The reason, of course, is that O'Hare was built in an era when air travel was much different and airplanes were much different. Airplanes were smaller, there were fewer flights, and the runways at O'Hare were designed to accommodate that day in aviation.

That day has changed. It has changed dramatically. For 25 years or more, there has been an effort underway in Illinois to change O'Hare and modernize it, to finally put in a runway configuration that is safer and more efficient, not just for the benefit of my State and region but for the Nation. Every major airline understands O'Hare's impact on the rest of the Nation.

Despite this intention of changing O'Hare and making it more efficient, it never happened. Why? Because in Illinois, as in some 14 other States, the Governor has a voice in the decision about the future of airports. The Governor of Illinois has to give approval or disapproval for these airports. We have been unable, for more than two decades, to get the Governor and the mayor of the city of Chicago, which has responsibility for O'Hare, to see eye to eye on the future of the airport. So it has come to a grinding halt time after time after time.

I am happy to report that has changed. It has changed within the last several days. The Republican Governor of our State, George Ryan, and the Democratic mayor of the city of Chicago, Richard Daley, reached a historic agreement 48 hours ago. Finally, for the first time in more than two decades they have come together and agreed, not just on the future of O'Hare to make it safer, to make it more efficient, but also on aviation in general for our State.

What will happen to Meigs Field, a small but important commuter field that is on the lakeshore of Chicago, the future of an airport for the southern suburbs of Chicagoland, a growing area, an area with an expanding economy? People said those two men would never be able to come to this agreement but they did, and they did despite a lot of opposition.

This agreement was not reached in secret or reached in a hurry. It started with the mayor announcing a comprehensive plan for aviation on June 29. The Governor of the State of Illinois announced his plan on October 18, after a series of field hearings around the Chicago area, and now today they have come together with a mutual agreement. This is a historic opportunity, not just for Chicago and Illinois but for the Nation.

The obvious question is, Why do we come today on this bill at this time to talk about O'Hare International Airport and aviation in Illinois? The fact is that both the Governor and the mayor agree, and I concur, that we need to make certain Federal law reflects the fact this agreement has been reached, an agreement which we believe will have benefit all across the Nation for many years to come.

Who supports this agreement? Major airlines using O'Hare support it, and it is important they do because a major part of the expense of modernizing O'Hare will fall on the shoulders of major airlines that will have to float the bonds that fund the terminals that serve the gates that serve the people who will use O'Hare in the future.

The major airlines have come together. So there is no misunderstanding—and I understand there may be among some Members—American Airlines, United Airlines, and Midwest Express have publicly stated their support for this agreement, but they are not the only ones. In addition, we have the support of the air traffic controllers. This is support that is important because these men and women know the issue of safety. They believe this will make for a safer airport and safer aviation across America. The Airline Pilots Association, they support this agreement as well, and AOPA which represents private aircraft owners and operators have endorsed it publicly as well. We have all the major aviation organizations in support of this plan, and few in opposition.

I know it will not be easy for us to see this plan become law. We need to bring together tonight a bipartisan coalition of Members of the Senate who agree with Senator GRASSLEY and myself that this modernization of O'Hare is not just important for that airport but for aviation across America. There are some local issues which I will not dwell on because they are of importance to those of us from Illinois but may not be to the rest of the Nation, but thankfully this approach, this plan, is going to address traffic congestion.

Traffic congestion around O'Hare is called ''ground zero'' in terms of traffic congestion in our State, and when we come to grips with that and make a proposal for changes in the traffic around O'Hare, it will have a positive impact on the thousands of people who use that airport and who travel near it each and every day.

The mayor and the Governor made certain that as part of this plan they would also invest the funds for noise mitigation and noise control in the area surrounding the airport. They have made an unprecedented and historic commitment to noise mitigation around this airport. That, in my mind, is essential. That, in my mind, is essential, so the families and businesses and schools that may be affected by this change will have some relief.

This decision on O'Hare will have a more positive impact on aviation than virtually anything else we can do. I don't overstate the case. Several months ago Newsweek magazine had a cover story about aviation problems, aviation air traffic problems across America.

I commend Senator JOHN MCCAIN of Arizona because he came with the Senate Commerce Committee to the city of Chicago for a hearing on this issue so we could understand in the Senate exactly what this meant. My colleague, Senator FITZGERALD, has a different view on the airport, and he was at the hearing. We heard from people in the area, not only leaders of business, leaders in labor, but people who understood the impact of this airport congestion at O'Hare on our region and on the Nation.

Now we have a chance to do something that can make a significant difference. Common sense dictates we will need to pass in the near future and this plan envisions a new airport south of Chicago in the vicinity of Peotone. There has been an agreement to keep the commuter airport open, Meigs Field—that is important, particularly to private owners of aircraft—and make the changes at O'Hare that will make it modern and safer.

I am glad my colleagues from Iowa are here because I give both of them credit. Senator HARKIN and Senator GRASSLEY understand as well as I do, and many should, that O'Hare's future is linked directly with the future of smaller airports, and all around the Midwest, as well. The airports of Iowa and downstate Illinois, Wisconsin, Michigan, Indiana, and Minnesota, all of these airports, depend on a viable airport at O'Hare that can receive these flights and transfer passengers to other destinations. They started this process, and I commend them for being with me tonight as we debate this historic agreement. Senator HARKIN and Senator GRASSLEY brought to the attention of the Nation the need to modernize O'Hare. It is their action as a catalyst in this discussion which brings the Senate to this agreement, which brings us to this amendment this evening.

I ask my colleagues to join with me this evening in passing this important amendment which sets the stage for the embodiment and recognition of the overall agreement in this bill. This is important for America's economy. It is certainly important for aviation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is a bipartisan piece of legislation. Members might wonder, if the Governor of Illinois and mayor of Chicago have reached an agreement on expanding O'Hare Airport, why have the legislation? The legislation is very important because this issue has been hanging around for a long time. We want to make sure that somebody coming down the road doesn't change it.

O'Hare is a very key national and international hub airport. I am not

from Illinois, but for the people in my State of Iowa, particularly the major airports of Des Moines and Cedar Rapids, from the standpoint of the cost of service and the fact that service is not always certain, plus the fact that several smaller airports in Iowa do not have access to O'Hare and are very interested in what happens at O'Hare; Iowans are very concerned about O'Hare. It has to do with the traveling public, both tourists as well as business, and it also has something to do, in turn, with the economic development of a State such as mine because air transportation is so important to economic development.

O'Hare is a key national and international hub airport, especially for Iowa. When O'Hare sneezes, the rest of the country gets the flu. Modernization of O'Hare is very important to Iowa's economy. It will help prevent future congestion problems and delays that plague air travelers.

It will make air travel more efficient and less frustrating. And it will be easier and more pleasant for air travelers to come to Iowa. Without a doubt, more on-time flights will be a big help for business travel, where time is money.

The plan to modernize O'Hare will also make it a safer airport. We're all more focused on air safety after September 11. Air travel security means more than screening passengers and baggage. It means safe take-offs and landings. Today, the runway configuration at O'Hare is not as safe as it could be. The new plan will eliminate dangerous cross-runways. There will be more parallel runways. It will also include more modern electronic instrumentation.

I appreciate the way the governor and the mayor got together and worked out a plan. When I first started pressing for a solution to the O'Hare problem last spring, I knew it wouldn't be an easy process for anyone. But it's been a very successful process. It won the support of the airline pilots and air traffic controllers. It produced a compromise that everyone can be proud of.

Now Congress needs to do its part to ensure the success of this hard work. That means immediate passage of the Durbin-Grassley legislation. I look forward to working with my colleagues to make this happen—even in the short time left—prior to adjournment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I make a general comment. I am not aware of the details of the amendment offered by our friend from Illinois. However, I am not aware this is a transportation bill. I thought we were on the Department of Defense appropriations bill. I don't see why this amendment is on the Department of Defense appropriations bill. It may be a good amendment. My colleague and friend from Iowa spoke on behalf of it. I see my other colleague from Iowa is getting ready to speak. My colleague from Illinois has some reservations about it and is opposed to it.

I don't know any of the details, to say it should pass or not pass, except I believe it does not belong on this bill.

It is 6:30 on a Friday night. Some Members have responsibilities and want to finish this bill. We want to finish all the appropriation bills. Now, if this was relevant, it should have been in the Transportation appropriations bill. It should have come out of the authorizing committee, from the Commerce Committee. This is not a transportation bill. This is not an air transportation bill. This is not a bill that came out of the Commerce Committee. This is the Defense appropriations bill.

I know there are very strong opinions. I was contacted by my colleague and friend from the House, Congressman HYDE. He strongly opposes this particular amendment and opposes it being added to the Department of Defense appropriations bill.

I do not know enough about the legislation. I know it can cost billions and billions of dollars. So I would like it to have not just a signoff on behalf of the Governor and mayor but maybe go through the authorizing committees and the Appropriations Transportation Subcommittee rather than having it thrown out late at night on a Friday, thinking maybe we can run this through and authorize billions of dollars or begin the process to authorize billions on a Department of Defense bill.

I have the greatest respect in the world for Senator INOUYE and Senator STEVENS who will be chairman and ranking member on the Department of Defense bill, but I doubt they know very much about Chicago O'Hare Airport. Yet to entrust them and make them deal with this issue in conference is a mistake.

I urge my colleague and friend from Illinois to withdraw this amendment, bring it back either as an independent item, as reported out of the Commerce Committee, using regular order, or to bring it up in an appropriations bill, through the appropriations process, in committee, on the Transportation bill, not on the Department of Defense bill.

I am happy to yield.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I yield for a question.

Mr. DURBIN. Is the Senator familiar with the bill before us, H.R. 3238, page 180, and pages following related to the Department of Transportation?

Mr. NICKLES. I am not familiar with the exact paragraph the Senator is talking about. I have already heard somebody say this might be a germaneness paragraph. But I am not trying to raise a technical point of order. My point is this is not a commerce bill. This is not a Transportation appropriations bill.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. MCCAIN. Is the Senator aware that we even had a hearing in the Commerce Committee in Chicago where representatives of the airport, the mayor, the Governor and a number of Members of Congress testified that this is a very big issue in the State of Illinois and in Chicago? But it is also a very big issue for those of us who have to go through Chicago O'Hare Airport on many occasions when we are going west to our homes.

I wonder if the Senator knows that there seems to be an agreement now between the mayor and the Governor. I have no idea what that agreement is all about. I don't know the ramifications. I don't have any idea of the cost to the Federal Government. Here we are on a Defense appropriations bill. I must say, is the Senator a bit amused that the Senator from Illinois refers to the transportation pork that has been put in this bill that has nothing to do with defense and there is a rationale for putting this on? That is really entertaining. But the fact is, I think it may be a good agreement. I really don't know. But the Commerce Committee has the oversight. The committee is called Commerce, Science and Transportation. That is the name of the authorizing committee. I wonder if the Senator knows that he could probably argue that they are disregarding every other committee in this bill, including the Commerce Committee, on a variety of issues. But this is a big issue.

You have the other Senator from the State of Illinois who does not agree at this time to consider it. If it were a piece of legislation that affected my State, and I didn't want it to go forth at this particular time, particularly when no one has had a chance to look at it, I would certainly try to honor the wishes of my colleague.

I am surprised that the Senator from Illinois on the other side of the aisle is trying to shove this thing through without the agreement of his colleague from the same State.

I know Senator KYL would never do that to me. He would never do that to me.

We have never had a hearing on this—we have certainly addressed the issue in the Commerce Committee—in fact, even a field hearing. I think the wishes of the other Senator from your own State ought to be seriously considered at a time such as this. I know I respect that same courtesy of my colleague from Arizona.

I wonder if Senator NICKLES is aware that this issue is certainly one which is not deserving consideration at this time on the Department of Defense appropriations bill.

Mr. NICKLES. Mr. President, a couple of comments:

I appreciate Senator MCCAIN's comments, the former chairman of the Commerce Committee, which deals with transportation. This also will potentially cost billions of dollars. We have bills where we wrestle every year or so on how we are going to allocate airport improvement funds. That is not

on the Department of Defense bill. We have bills where we wrestle with how airport construction money is going to be allocated. Some airports get a lot, and maybe other airports will get a lot less. Those are decisions we make. That is fine. I am not an expert on that. That is not my committee. But it is also not the committee for the Department of Defense.

I urge my colleagues, I don't think we have to get in a trance, and say I am for this and not for that. I don't think now is the time to make that decision. Let us make that decision when we are considering all airports and when O'Hare is debated and we are wrestling with other competing airports. We will have airport needs, demands, security, and a lot of challenges for all airports that we will be considering.

To make one decision now say: Well, we favor basically greatly expanding Chicago against the will of one of the Senators from Illinois, and against the will of many of the Congressmen from Illinois, to do that on a Department of Defense bill is a mistake.

I may well join my colleague from Illinois in support of this project when I know more about it. But I don't want to know more about it tonight. I want to finish the Department of Defense appropriations bill. I don't think we should ask Senator INOUYE and Senator STEVENS to be totally knowledgeable about a multibillion-dollar, multiyear project and try to resolve this issue in conference when they really need to be working on the Department of Defense bill.

If this is germane, I guess we could probably offer it on the energy bill that Senator MURKOWSKI has been working on for a long time. Maybe we should be considering that.

When are we going to show some discipline around here so we can finish our work?

I urge my colleague to maybe discuss the amendment a little bit further, and withdraw it, or possibly get a commitment from the chairman of the authorizing committee to have a hearing and to report a bill out so the Senate can consider it. I may well cosponsor the bill.

I just do not think it belongs on this bill tonight. We have done this too many times where we get in the business of: Well, the year is running late, and I have something that I haven't completed on my agenda. I want to put it on even if it doesn't belong on the bill.

This does not belong on the Department of Defense appropriations bill. I urge my colleagues to withdraw the amendment and save all of us a lot of time. Hopefully, we can consider it when we are better prepared to consider aviation issues, do it through the appropriate committees, give it a fair hearing, give everybody a chance to find out what the impact would be on all the other airports in the country, and make the appropriate decisions. Maybe it would be a strongly supported position with which we could all be very comfortable.

I am not comfortable with making multibillion-dollar decisions on airports tonight on a Department of Defense bill.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I wonder if the Senator from Oklahoma actually has looked at the amendment at the desk by the Senator from Illinois. I think he has confused it with a bill that was introduced earlier. This is an appropriations measure. It has been checked with the Parliamentarian. It is an appropriate limitation on the release of funds. This is not a legislative matter; this is an appropriations matter under our rules.

Since the bill contains appropriations matters for the Department of Transportation and the FAA, it is entirely germane to this bill that are impacted by the text.

Furthermore, if my friend from Oklahoma is worried about chewing up a lot of time, I am certain that my friend from Illinois would agree to a time limitation on the amendment. I ask unanimous consent that we have a 1-hour time limit right now evenly divided on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. HARKIN. How about a half hour of time evenly divided?

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. HARKIN. Again, it is not that the proponents of this side to use up a lot of time. I think it is a clear-cut case.

My friend from Arizona said we haven't had hearings on it. My friend from Arizona chaired the hearing in Illinois in Chicago on this very subject in Illinois. There has been a hearing on it.

We cannot afford to wait any longer. I first started speaking about the congestion at O'Hare and the need for new runways and changing that airport in 1991, 10 years ago. A lot of others were talking about it at that time. Senator DURBIN has been on this ever since he was in the House of Representatives. This is not something new. It has been around a long time.

If it is true, as has been said, that transportation is the veins and arteries of our free enterprise system in America, surely O'Hare is the heart pump. When O'Hare backs up, everything backs up. Airports back up all over the country. Delivery systems back up all over the country. What happens at O'Hare affects every community in America.

Quite frankly, the situation at O'Hare is getting to be to the point where if you have one bad weather pattern in Chicago, and you have sunshine in the rest of the United States, you might as well have a hurricane in every city if it is bad in Chicago. It will back up everything all over America.

I bet that almost every Senator who flies anywhere has had the experience of sitting on the runway and the weather looks good. The pilot comes on and says: We can't take off because there is a weather delay in Chicago. And you are waiting to fly to Minneapolis. That is what happens at O'Hare today and what is happening in our country.

At O'Hare, there are plenty of runways. But because they are crisscrossing each other, and because they are too close together, you cannot have simultaneous takeoffs and landings at a number of different places. And, in bad weather, you cannot use both parallel runways if you have adverse weather conditions because they are to close together. So O'Hare airport needs to be redesigned. They need to have parallel runways that are wide enough apart to be operated in poor weather; they need to get rid of the crisscross runways that are there right now.

There has been some contention in the past between the city of Chicago and the State about how to proceed on this. Some of us, led by Senator DURBIN, have been pushing them to reach an agreement, to get together. This is a State and a local matter, but even though it is a State and local matter, O'Hare affects the entire United States. So we have been asking them to get together and work it out.

They did. I commend Mayor Daley of the city of Chicago and Governor Ryan of the State of Illinois for working together to come up with this agreement. Now that we have this agreement, it is time to move ahead aggressively to make sure it is implemented and that we move ahead without any further delay.

That is what the amendment offered by the Senator from Illinois does. It makes sure we move ahead now that we have this agreement between the State of Illinois and the city of Chicago.

With this agreement, and with the changes that have been agreed to in this agreement at O'Hare, with new parallel runways, weather delays will be reduced, it has been reported, by over 90 percent. The economic impact of less delays at O'Hare on this country will be tremendous. The economic impact if we do not do it will also be tremendous in the negative.

At a time when we are looking at getting out of a recession, and further looking over the horizon for the next 10 years, any delays that we make at O'Hare means we are going to affect the entire economy of this country.

That is not an overstatement. That is not just this Senator from Iowa saying it. You can look at report after report after report on the transportation system in America and how it affects our economy; and it all comes right back to O'Hare Airport. That is how important it is.

This agreement that was reached has been in the making for a long time. It

was not something that just happened in one day. This has been ongoing literally for years, and more recently over the last year. But now that this agreement has been reached, why dawdle, why delay it any longer?

This amendment is not just a win for Chicago, this is not just a Chicago thing, and it is not just for Illinois. This is good for South Dakota, Minnesota, Colorado, Iowa, Nebraska—all the Midwest and the nation. I can tell you, we have cities in Iowa that need access to O'Hare: Sioux city, Mason City, Fort Dodge and Burlington. Our airports with access, Des Moines, Cedar Rapids, Waterloo, Dubuque need more reliable service.

The people who live in my State, in order to transit to someplace else, far to often have a very difficult time getting there because they have to go through Chicago.

If this change can take place, and we can modify O'Hare as under the agreement, this opens up O'Hare for our smaller airports in the Midwest to feed into, so people can travel more freely. It opens up these small cities for commercial and business travelers so businesses in those communities can have better access to their markets and their suppliers in other parts of the country.

This is not just an issue for Chicago and for Illinois and our nation. I have not mentioned the international aspects of this. There is a huge international transit that comes in and out of Chicago at O'Hare. That is also backed up when Chicago has adverse weather, for example. And certainly, a lot of our people in the Midwest travel overseas on business, and there are people in other countries coming to the Midwest for business purposes. They get backed up.

How does that affect us? Well, they may say: Maybe we want to make a contract with a business. Why do it in the Midwest? We cannot get afford the possibility of delays because O'Hare is always plugged up.

This is an economic necessity. It is vital to the economy of the upper Midwest.

So when the Senator from Oklahoma says that somehow we can put it off and put it off, maybe a lot of his people in Oklahoma do not use O'Hare.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. I yield for a question without losing my right to the floor.

Mr. NICKLES. You said I wanted to put it off and put it off. That is not what I said. I said I would urge my colleague to withdraw the amendment, have it go through the Commerce Committee, bring it up in the Appropriations Subcommittee on Transportation; go through the regular process.

I may well support it. I go through Chicago all the time. I am just concerned about us reallocating the airport improvement funds on a Department of Defense bill. I think that is a mistake.

I am not wanting to get into the details of whether or not my colleague from Illinois is right. I may want to support the project at some time, but it just does not belong on this bill.

Mr. HARKIN. I say to my friend from Oklahoma, everybody makes that argument when there is something they do not like. But the fact is, this is germane to this bill. There are provisions in this bill that deal with the FAA and the DOT. And this is vital, I say to my friend from Oklahoma. So there is no point of order that lies against this. My friend from Oklahoma knows full well that if we wait and try to do this through Commerce, or through other committees, it is next year and beyond. We cannot wait any longer.

When the heart stops beating, the body dies. When O'Hare gets plugged up, we all die a little bit in this country—every city, especially in the upper Midwest.

So we have this great agreement. I do not know what the problem is. This is something that the city of Chicago and the State of Illinois basically are going to be doing. All we are saying is, we want them to continue to develop this plan and execute it. That is all we are saying. We want it to move ahead.

So I say to my friend from Oklahoma, I did not even want to talk this long. I would be glad to move it along right now. But we do not want to delay it. We want to get it done.

The amendment before us simply provides that the Secretary of Transportation work with the FAA to make sure this locally developed and executed plan in Illinois moves ahead expeditiously.

It is in the interest of Chicago, it is in the interest of Illinois, it is in the interest of my State of Iowa, the upper Midwest, and this Nation. We cannot afford to wait any longer. I urge us to move rapidly on this, adopt it, and move ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me explain why we are here and what this is all about. We have a bill before us that provides emergency money for security at O'Hare Airport, emergency money for security to try to protect people's lives and their safety. That is what is in this bill.

What is being done here is that funding to preserve life and safety for people who go through the airport in Chicago is being delayed to try to force the Secretary of Transportation to ratify a deal on the Chicago airport. That basically is what this amendment is about.

This is an amendment that refuses to release money for safety to protect the lives of people who pass through the Chicago airport, to try to inject the Congress into a decision that ought to be made in Illinois.

Quite frankly, this amendment potentially could delay safety improvements and jeopardize lives at the Chicago airport.

This amendment has absolutely nothing to do with this appropriations bill. It pirates it. It is true that we have a provision in the bill providing money for safety, but what this amendment does is pirate that provision by saying you can't spend the safety money until the Secretary injects himself into this debate going on in Illinois.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAMM. I will in a minute. Let me finish my point. This amendment basically tries to use safety and the life and safety of people who live in Illinois, who live in Iowa, who live in Texas as a bargaining chit to play politics with the improvement of an airport plan in Chicago that has not been approved by people who are making these decisions in Illinois.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAMM. I will in a moment. Let me just complete my point.

My point is this. This is piracy. This is piracy against safety in not allowing safety improvements to go forward until the Secretary injects himself into a decision that ought to be made in Illinois. This has nothing to do with the Defense bill. At 7 o'clock on Friday evening, when we are trying to finish an appropriations bill, we have before us a provision that has nothing to do with national defense. It is a provision that basically would have us sit as the airport board in Chicago. And it is opposed by one of the two Senators from Illinois.

It also strikes me, understanding rule 28, that this is basically an effort to put in place in conference something that would be totally against the rules of the Senate and that is a totally extraneous provision. By putting this seemingly harmless limitation on spending safety money—if anybody believes limiting people's ability to improve safety at Chicago O'Hare is harmless—what we do is create a vehicle whereby, on the Defense appropriations bill, we could see an approval of an airport plan in Chicago. I don't think that is our business. I didn't run to be on the airport board in Chicago; no one else here ran; certainly no one was elected.

The Senator wanted me to yield. I am happy to yield. But let me pose a question. Is it your objective in conference to change this language to approve this deal in Chicago? Is that what you are trying to do?

Mr. DURBIN. I say to the Senator from Texas that my objective here is to have recognition of the fact that there is an agreement. It is not to circumvent any Federal law relative to safety or the environment.

Mr. GRAMM. What does that have to do with us?

Mr. DURBIN. It has to do with us in this respect: Illinois is one of a few States, 15 out of 50, where the Governor has the final word on an airport. Our Governor has given consent to this

plan to move forward on the airport, and we are memorializing that consent in this agreement.

I would like to ask the Senator from Texas, who said that the language of this amendment somehow—at one point he said—threatens safety and lives and at another point calls it a harmless limitation, could I just refer the Senator from Texas to the part that says: The Secretary of Transportation shall ''encourage a locally developed plan.'' That is the operative language. That is the only condition.

Mr. GRAMM. Mr. President, if I could reclaim my time, as I read the language in the first sentence, it says: ''Provided further: That before the release of funds under this account. . . .'' What is the money under this account? The money under this account is money for safety at Chicago O'Hare Airport. Is that not what it is for? It seems to be, it is clear in the bill itself, that is what it is for.

What we are doing is we are setting up a hurdle that the Secretary of Transportation has to meet before the money can be released.

The Senator is going to say it is not much of a hurdle. All he has to do is jump into this dispute in Chicago about this airport.

I go back to the point, whether people in Illinois have agreed or not, what business is it of ours at 7:03 on a Friday night? I don't see that it is any business of ours.

I think when we do these things, when the two Senators from the same State don't agree, that we are simply injecting ourselves into a decision-making process that violates the separation of powers.

I would like to re-pose my question. Does the Senator intend for this language, if adopted, to be in the conference report, or does he intend to try to get the conference report changed or ratified or to somehow give a Federal commitment to this agreement?

Mr. DURBIN. I would be happy to respond to the Senator from Texas.

Mr. GRAMM. Please do.

Mr. DURBIN. This airport, O'Hare, and all the other airports in this agreement, will be treated no differently than any other airport in America.

Mr. GRAMM. That is not my question. I will be happy to yield if the Senator wants to answer my question. Does the Senator intend to change this language in conference if it is adopted, or can he assure us that if it were adopted, this language would be the language he would prefer in the conference report? There is a foul rumor afloat that this simply makes it possible to get around rule 28 and to have the Federal Government ratify this agreement in this Defense bill.

Mr. DURBIN. May I respond?

Mr. GRAMM. If you would answer my question, yes.

Mr. DURBIN. I am happy to respond by saying to the Senator that I will attempt in conference to put in place of this language a bill which was introduced today which memorializes the agreement, provides no new obligations or authority, but merely memorializes the agreement between the Governor and the mayor. It does not compromise safety or the environment. This bill has been introduced.

Mr. GRAMM. Why don't you offer the bill?

Mr. DURBIN. The bill will be offered.

Mr. GRAMM. Why wasn't it offered tonight, if you intend to put in the conference report?

Mr. DURBIN. As the Senator knows, because he is not only a learned professor from Texas but because he served in the House, the parliamentary procedure necessary is a two-step procedure. The first step is placeholder language. The second step is to offer the amendment. That is exactly what we are doing.

Mr. GRAMM. Mr. President, I will yield the floor, but let me finish my point. What we have here is an effort to pirate on airport safety and an effort to use a limit on the ability to spend money for airport safety to create a vehicle in conference to adopt a bill which has never been considered and certainly has not been adopted by the committee of jurisdiction, a bill that would not have been adopted in either House of Congress, and a bill that is not being offered on the floor of the Senate tonight. Why is the bill not being offered? The bill is not being offered because it is subject to an objection under rule 16 because it is legislation on an appropriations bill.

It seems to me that not only is this pirating safety, not only is this an issue that has nothing to do with defense, not only is this not the forum for us to be considering this issue, this is basically a ruse to pass a bill which is not germane to this bill, which has never been reported by the Commerce Committee, which has never been voted on in either House of Congress, and basically do it by getting the camel's nose under the tent.

We should support our colleague from Illinois who opposes this amendment. It would be one thing if the two Senators came to the floor and said: We want the Congress to help us and we want to be the airport board in Chicago. I think that would be pretty unusual, but if they were both together and wanted to do this, it would be one thing. But I think to bring this kind of legislation pirating safety to the floor of the Senate when the Senators from the same State don't agree and as a vehicle to make law something never reported by committee, never considered in either House of Congress, I think is fundamentally wrong. It ought to be objected to.

I urge my colleagues to let us get on with the Defense bill. It is one thing to be debating defense issues. It is one thing to be trying to decide should we rent Boeing aircraft to turn them into tankers. That is a legitimate issue. It is one thing to offer a substitute, which I understand our two leaders of the committee want to offer. But to get into this kind of business at 7:09 on a Friday night I think is an abuse of our colleagues, and I urge that we not let this happen.

Mr. ALLEN. Will the Senator from Texas yield?

Mr. GRAMM. I will be happy to yield.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Virginia.

Mr. ALLEN. Mr. President, I say to my friend, the Senator from Texas——

Mr. GRAMM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. ALLEN. Thank you, Mr. President.

I have been listening, wondering why this issue came up. I first listened to Senator NICKLES talking about the procedural matters and Senator MCCAIN talking about committee jurisdiction. Then I heard my friend, the Senator from Texas, talk about why is this involved at all on a Defense appropriations matter.

While the process and committee jurisdiction is very interesting, I am just wondering why in the heck, regardless of what bill it is on, the Senate is involved in this issue at all.

There are concerns, and Senator MCCAIN told me: This is going to affect airport funds in Virginia, this, that, and the other.

I said: Maybe so, but why are we bringing this up?

I remember when I was Governor of the Commonwealth of Virginia taking great exception to the Federal Government coming in and telling us how to run Reagan National Airport, telling us how many flights we can have out, how many gates, the perimeter rule, and how we should operate in our authority that runs Reagan National, as well as Dulles, and how they ought to operate. I know there are some folks who may be on the same side as me who had the Federal Government sticking their nose in the business of the people of Virginia and the Metropolitan Washington Airport Authority.

I have been reading about arguments over whether O'Hare Airport ought to be expanded or not or whether it is desirable to have a third airport. I do not know. I am not taking a side one way or the other. If the folks in Chicago and Illinois want three airports, two airports, five airports, or seven airports, to me that is the business of the people of Illinois and those jurisdictions in which those airports might be expanded or located.

The Illinois delegation is split on the proposal, which is interesting in itself, but that is not dispositive to me. We might have both Senators from Illinois thinking it is great to usurp the rights and prerogatives of the people of Illinois. To me that would be something politically foolish to do, but nevertheless, maybe some folks may not pay attention to it.

This effort is one of expansion and safety of O'Hare, and maybe that is a

good idea, but the basic issue to me is whether we are going to allow Federal preemption of State law that requires apparently State approval of airport building or expansion.

This is a State law in the State of Illinois. Let them decide it. If that is a foolish law, if it is too harmful for the expansion of airports, it is not as if the people in Illinois do not have the right to vote to change those laws or those representatives to change those laws if they decided to do so.

Every civilian commercial airport in our country, it seems to me, is owned and operated by a political subdivision of a State or multijurisdictional authority. Those are powers that are properly the prerogatives and in the purview of the people in the States.

The way I see it, should Senator DURBIN's maybe well-intentioned amendment—maybe it is a good idea to build a third airport. Regardless, if this amendment should be adopted, it would actually allow the Federal Aviation Administration to usurp the State government's authority to decide this airport issue at the State level.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALLEN. This is a bad precedent for us to be meddling in these affairs.

Mr. DURBIN. Will the Senator yield for a question? Is the Senator aware of the fact the language involved was prepared by the State of Illinois, by the Governor of Illinois, with the mayor of Chicago? It is not a preemption of State authority. Is the Senator aware this is language prepared by the State of Illinois?

Mr. ALLEN. The point of all this is the people from Illinois can figure this out themselves. Do they really need us to ratify their agreements?

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALLEN. Sure.

Mr. DURBIN. Or comment. I say it is not a question of ratification. The agreement has been reached. The question is acknowledging the consent has been given by the State. This language comes from the State of Illinois. As former Governor of Virginia, the Senator can understand when he sent language in, it was clearly with his approval. That is the case here. It is not preemptive.

Mr. ALLEN. Having once lived in Deerfield, IL—I was a youngster at the time. We did not have Illinois State Government. But I did hear from the other Senator, Senator FITZGERALD, that the legislature has not agreed to this language.

The point is, in my view, this is not the jurisdiction or the place for us to decide the issues that are rightly in the purview and are the prerogative of the people of Illinois and political subdivisions therein. I may agree with the Senator that maybe the best idea is expansion of O'Hare Airport, as opposed to the third airport. Again, that is something that needs to be worked out with the localities and, for that matter, all branches of the State government in Illinois.

Mr. President, I will support the efforts to defeat this amendment. I do think the issue of air transportation is important to our Nation, obviously, but these decisions are best made by the people in the States, those closest to it. If those laws need amending, let them work it out with due process at the State level, and do not bring these fights and decisions to the Senate. We are remote people who do not know the details and are trying to make a decision.

I think it is best we defer this decision and refer it back to the jurisdiction and court where it ought to be, and that is in Illinois.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I appreciate this opportunity to talk on this issue. I compliment my colleagues from other States—Texas, Oklahoma, Virginia—and also the distinguished Senator from Arizona for speaking in favor of my position on this issue.

The fact is, this is an issue on which there is a sharp difference of opinion between Senator DURBIN and me. That rarely happens on a State project issue. In fact, more often than not, Senator DURBIN and I work together when it involves a State project. We were just working earlier today to help save a VA Hospital in the city of Chicago. More often than not, we are certainly united on civil or project-type issues.

On this issue, we do have a difference of opinion. I oppose what Senator DURBIN is hoping to do. His argument pointed out that the Illinois delegation is divided. In general, I think Congressman LIPINSKI in the House supports Senator DURBIN's efforts. Congressman HYDE and Congressman JESSE JACKSON, JR., happen to support my side. Other Members of the Illinois delegation have not necessarily taken a position. They are not statewide officers and have not had to form an opinion necessarily or weigh in on this matter.

It is true that the mayor of the city of Chicago, Mayor Daley, as well as the Governor of the State of Illinois, did reach agreement two nights ago on an O'Hare expansion plan. I do not support that expansion plan, however.

Our Governor had long opposed Mayor Daley's efforts to expand O'Hare Airport. After getting some other provisions, including the continuance of Meigs Field in Chicago, which incidentally, I support, the Governor did decide to support Mayor Daley's efforts to expand O'Hare Airport.

The crux of this issue, as I see it—and Senator DURBIN has been very upfront with me—is the language that we will actually be called to vote on in the Senate. It is this language, and it is, as Senator DURBIN stated, placeholder language. It is innocuous language. It does not do much. The idea is Senator DURBIN, who is going to be on the conference committee on Defense appropriations, would like to go into the conference committee and then introduce much lengthier language that would, in fact, force the reconstruction of O'Hare Airport, the tearing up and rebuilding of O'Hare Airport. The nub, the crux, of Senator DURBIN's language in that regard is to, indeed, preempt State law.

At the outset I will introduce into the RECORD the legislative language that Senator DURBIN shared with me. We spoke on the phone yesterday. He fully disclosed his plans. He would have placeholder language tonight. If he made it to conference, he would like to introduce this language. The Senator cannot tell me if he believes that language will be any different but he said this is the language he would like to get in the conference committee report on Defense appropriations. With a ruling from the Chair, I ask unanimous consent to enter this language and have it printed in the RECORD, because I will later want to walk through this language section by section.

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

SECTION 1. NECESSITY OF O'HARE RUNWAY REDESIGN AND DEVELOPMENT OF SOUTH SUBURBAN AIRPORT.

(a) The Congress hereby declares that redesign and reconstruction of Chicago-O'Hare International Airport in Cook and DuPage Counties, Illinois in accordance with the runway redesign plan, and the development of a south suburban airport in the Chicago metropolitan region, are each required to improve the efficiency of, and relieve congestion in, the national air transportation system.

(b) The Federal Aviation Administrator shall implement this Federal policy by facilitating approval, funding, construction and implementation of—

(1) the runway redesign plan upon receipt of an application from Chicago for approval of an airport layout plan that includes the runway redesign plan, and

(2) the south suburban airport upon receipt of an application from the State or a political subdivision thereof for approval of an airport layout plan for a south suburban airport, subject in each case only to application in due course of Federal laws respecting environmental protection and environmental analysis including, without limitation, the National Environmental Policy Act; and the Administrator's determinations with respect to practicability, safety and, efficiency, and consistency with Federal Aviation Administration design criteria.

(c) The State shall not enact or enforce any law respecting aeronautics that interferes with, or has the effect of interfering with, implementation of Federal policy with respect to the runway redesign plan including, without limitation, sections 38.01, 47 and 48 of the Illinois Aeronautics Act.

(d) All environmental reviews, analyses, and opinions related to issuance of permits, licenses, or approvals by operation of Federal law relating to the runway redesign plan or the south suburban airport shall be conducted on an expedited basis. Every Federal agency shall complete environmental-related reviews on an expedited and coordinated basis.

(e) If the Administrator determines that construction or operation of the runway redesign plan would not conform, within the

meaning of section 176(c) of the Clean Air Act, to an applicable implementation plan approved or promulgated under section 110 of the Clean Air Act, the Environmental Protection Agency shall forthwith cause or promulgate a revision of such implementation plan sufficient for the runway redesign plan to satisfy the requirements of section 176(c) of the Clean Air Act.

(f) The term ''runway redesign plan'' means (i) six parallel runways at O'Hare oriented in the east-west direction with the capability, to the extent determined by the Administrator to be practicable, safe and efficient, for four simultaneous independent instrument aircraft arrivals, and all associated taxiways, navigational facilities, passenger handling facilities and other related facilities, and (ii) the closure of existing runways 14L–32R, 14R–32L and 18–36.

(g) The term ''south suburban airport'' means a supplemental air carrier airport in the vicinity of Peotone, Illinois.

SEC. 2. PHASING OF CONSTRUCTION.

Approval by the Administrator of an airport layout plan that includes the runway redesign plan shall provide that any runway located more than 2500 feet south of existing runway 9R–27L shall not begin construction before January 1, 2011.

SEC. 3. WESTERN PUBLIC ROADWAY ACCESS.

The Administrator shall not consider, and shall reject as incomplete, an airport layout plan submitted by Chicago that includes the runway redesign plan, unless it includes public roadway access through the western boundary of O'Hare to passenger terminal and parking facilities. Approval of western public road access shall be subject to the condition that its cost of construction will be paid from airport revenues.

SEC. 4. NOISE MITIGATION.

(a) Approval by the Administrator of an airport layout plan that includes the runway redesign plan shall require Chicago to offer acoustical treatment of all single-family houses and schools located within the 65 DNL noise contour for each construction phase of the runway redesign plan, subject to Federal Aviation Administration guidelines and specifications of general applicability. The Administrator shall determine that Chicago's plan for acoustical treatment is financially feasible.

(b) (1) Approval by the Administrator of an airport layout plan that includes the runway redesign plan shall be subject to the condition that noise impact of aircraft operations at O'Hare in the calendar year immediately following the year in which the first new runway is first used, and in each calendar year thereafter, will be less than the noise impact in calendar year 2000. The Administrator shall make the determination required by this Section.

(2) The Administrator shall—

(i) make the determination using, to the extent practicable, the procedures specified in part 150 of title 14 of the Code of Federal Regulations;

(ii) use the same method for 2000 as for each forecast year;

(iii) determine noise impact solely in terms of the aggregate number of square miles and the aggregate number of single-family houses and schools exposed to 65 or greater decibels using the DNL metric, including for this purpose only single-family houses and schools in existence on the last day of calendar year 2000.

(3) The condition described in subsection (a) shall be enforceable exclusively by the Administrator, using noise mitigation measures approved or approvable under Part 150 of title 14 the Code of Federal Regulations.

SEC. 5. SOUTH SUBURBAN AIRPORT FEDERAL FUNDING.

The Administrator shall give priority consideration to a letter of intent application submitted by the State of Illinois or a political subdivision thereof for the construction of the south suburban airport. This consideration shall be given not later than 90 days after a final record of decision approving the airport layout plan for the south suburban airport has been issued by the Administrator.

SEC. 6. FEDERAL CONSTRUCTION.

(a) On July 1, 2004, or as soon thereafter as may be possible, the Administrator shall construct the runway redesign plan as a Federal project, provided—

(1) the Administrator finds, after notice and opportunity for public comment, that a continuous course of construction of the runway redesign plan has not commenced and is not reasonably expected to commence by December 1, 2004.

(2) Chicago agrees in writing to construction of the runway redesign plan as a Federal project by the Administrator,

(3) Chicago enters into an agreement, acceptable to the Administrator, to protect the interests of the United States Government with respect to the construction, operation and maintenance of the runway redesign plan, and,

(4) Chicago provides, without cost to the United States Government, land easements, rights-of-way, rights of entry and other interests in land poverty deemed necessary and sufficient by the Administrator to permit construction of the runway redesign plan as a Federal project and to protect the interests of the United States Government in its construction, operation, maintenance and use.

(b) The Administrator may make an agreement with Chicago under which Chicago will provide the work described in subsection (a), for the benefit of the Administrator.

(c) The Administrator is authorized and directed to acquire in the name of the United States all land, easements, rights-of-way, rights of entry, or other interests in land or property necessary for the runway redesign plan under this Section, subject to such terms and conditions as the Administrator deems necessary to protect the interests of the United States.

SEC. 7. MERRILL C. MEIGS FIELD.

(a) Until January 1, 2026, the Administrator shall withhold all airport grant funds respecting O'Hare Airport, other than grants respecting national security and safety, unless the Administrator is reasonably satisfied that the following conditions have been met—

(1) Merrill C. Meigs Field in Chicago either is being operated by Chicago as an airport or has been closed for reasons beyond Chicago's control. If Meigs Field is closed for reasons beyond Chicago's control, none of the following conditions in subparagraphs 2 through 5 shall apply,

(2) Chicago is providing at its expense all off-airport roads and other access, services, equipment and other personal property that it provided in connection with the operation of Meigs on and prior to December 1, 2001,

(3) Chicago is operating Meigs Field, at its expense, at all times as a public airport in good condition and repair open to all users capable of utilizing the airport, and is maintaining the airport for such public operations at least from 6:00 a.m. to 10:00 p.m. seven days per week whenever weather conditions permit,

(4) Chicago is providing or causing its agents or independent contractors to provide all services (including police and fire protection services) provided or offered at Meigs on or immediately prior to December 1, 2001, including such tie-down, terminal, refueling and repair services as were then provided as rates that reflect actual costs of providing such goods and services at Meigs Field, provided that after January 1, 2006 the Administrator shall not withhold grant funds under this Section to the extent he determines that withholding of grant funds would create an unreasonable burden on interstate commerce.

(b) The Administrator shall not enforce the conditions specified in subsection (a) if the State of Illinois enacts a law on or after January 1, 2006 authorizing the closure of Meigs Field.

(c) Net operating losses resulting from operation of Meigs, to the extent consistent with law, are expected to be paid by the two air carriers at O'Hare that paid the highest amount of airport fees and charges at O'Hare for the immediately preceding calendar year. Notwithstanding any other provision of law, Chicago may use airport revenues generated at O'Hare to fund the operation of Meigs Field.

SEC. 8. JUDICIAL REVIEW.

An order issued by the Administrator in whole or in part under this Section shall be deemed to be an order issued under Title 49, United States Code, Subtitle VII, Part A, and shall be reviewed exclusively in accordance with the procedures in Section 46110 of Title 49, United States Code.

Mr. INHOFE. Will the Senator yield?

Mr. FITZGERALD. Yes.

Mr. INHOFE. I heard the other Senator from Illinois talking about all of the people and the officials in Illinois who wanted this. I wanted to give another perspective on this issue.

I was elected in 1986, the same time DENNY HASTERT, now Speaker of the House, was elected. All I have heard from DENNY HASTERT and from my colleagues on the House side all these years was they wanted to have a third airport.

I have to admit I prefer the provisions of Senator DURBIN's bill. On a freestanding bill, I am a cosponsor. I think it is a good idea. This also affects something no one has talked about, and that is Meigs Field. So I have some selfish reasons I would like to see that, but not on a Defense appropriations bill. I think it is the wrong place for it, and I will oppose it, even though I agree with the provisions of the bill.

I have talked to House Members since 1986, and as near as I can tell they are split down the middle, so there is no unanimity in the delegation that I can see.

Mr. FITZGERALD. The Senator from Oklahoma makes a very good point. I appreciate that point, and I appreciate his efforts to keep Meigs Field open because I think that is an important asset for the city of Chicago. I have worked with the Senator on that issue before and would like to continue working with him in that regard.

I do not believe it is appropriate to have this language on a Defense appropriations bill. This language has nothing to do with our national defense. It has nothing to do with protecting our troops in Afghanistan, and I regret the Senate has to be in session tonight debating this and, in fact, substituting itself for the Illinois State Legislature.

I served for 6 years in the Illinois State Senate. Whether we would amend the Illinois Aeronautics Act is the sort of issue we used to debate and vote on

in the Illinois State Senate. It is not by my choosing, I assure my colleagues, that the Senate is tonight substituting itself for the Illinois Legislature, which would probably not approve this plan. We are being asked to preempt the laws of the State of Illinois and specifically the Illinois Aeronautics Act.

I am going to give some summary remarks at the outset, and then I will want to walk through a section-by-section analysis of Senator DURBIN's language.

There is no reason for us to be in the Chamber tonight debating this. There is no reason to ask the Federal Government to step in. The mayor of the city of Chicago has never requested the State of Illinois for a permit to do his expansion plan at O'Hare. If he wants to do it, he should formally request that the State grant him a permit. If the FAA also grants him a permit, presumably he could go forward and do his expansion plan.

What we are being asked to do tonight is to gut the State permitting program, to rip out and make of no effect the Illinois Aeronautics Act. Of course, we are also being asked to gut State environmental laws that might protect the environment and the health and safety of the people around O'Hare Airport.

Nor did the mayor of the city of Chicago ever bring this issue up to the State legislature. If it were a problem he could not get a permit from the State of Illinois, clearly he could ask the State legislature to amend State law. No attempt has been made to go to the State legislature and ask them to amend State law. Instead, as a first step they came to the Senate and asked the Senate to come in and rewrite and preempt State law.

In my judgment, a project such as this should be a bottoms-up project, not a top down; not people in Washington making these decisions; I do not think I would be qualified to act on a runway project in Hawaii or New York or at LaGuardia or JFK or Newark; I would not know the situation. This is not an appropriate issue for the Senate to be debating. As Senator GRAMM said, we are not an aviation panel.

In addition to gutting the State permit process, the other thing this language would do is it would gut the analytical framework that we in Congress, in the Senate and the House, have mandated for approving airport plans. We have no studies, no reports, no FAA modeling available. We do not have any idea, other than news reports, of the cost of tearing up the seven runways at O'Hare and repositioning them. We have no FAA models of how much new capacity we would get. We do not have any studies that suggest it would improve or cut down on delays. We do not know what the future capacity would be. We do not know whether it is a safe plan.

I have two charts. The first chart is a diagram of the existing layout at O'Hare Airport where we have seven runways, six of which are active. O'Hare is the world's busiest airport and, in fact, this year we have had more operations and enplanements than Atlanta's Hartsfield Airport. Mayor Daley's plan is to tear up those existing runways and to reorient them so he would have six parallel runways, six of them parallel east/west and two running from the northeast to the southwest, for a total of eight runways.

We are not safety experts in this body. We do not know if that is a good design. We do not know if that is a cost-effective design. I had an air traffic controller in my office on Monday of this week saying he was concerned there could be safety problems. The reason he said he thought there could be safety problems is because FAA regulations normally require a 4,300-foot separation between runways. In fact, I have a brochure from the Federal Aviation Administration that suggests proper separation between runways is an extremely important issue with respect to the safety of an airport.

This is the brochure. This is called ''Improving Runway Safety Through Airfield Configuration.'' It is a little pamphlet put out by the Federal Aviation Administration. One of the points it makes for building safe airports is that layouts should be avoided that result in closely spaced parallel runways.

It says, provide adequate distance between parallel runways so a landing aircraft can exit the runway, decelerate, and hold short of the parallel runway without interfering with subsequent operations on either runway.

The FAA says the standard separation requires 4,300 feet, but it is my understanding this city of Chicago plan which has not been subjected to any vetting by any engineering firms or engineering designers, airport designers, airport layout experts, any Federal or State panel that those two runways would be 1,300 feet apart.

Mr. DURBIN. Will the Senator yield?

Mr. FITZGERALD. I would like to speak for a while.

Mr. DURBIN. Very quickly, I would close and give the Senator as much time as he wants to speak if the Senator and I can agree to a unanimous consent request to limit the debate on this amendment. I want to give him whatever time he wants, a few minutes to close, and let the Members go to consideration of the bill. Will the Senator give me an indication?

Mr. FITZGERALD. I would object to a unanimous consent agreement on the time.

Mr. President, we are not in a position to approve a runway design plan. This is probably the first time Congress has ever been asked to codify a runway design plan. I am not sure whether it is safe to have two sets of parallel runways only 1,300 feet apart. That seems pretty close to me. Maybe it is a good design and maybe it works. The point is, we don't have the expertise in this body, and we should not get the framework that we in Congress have set up for approving and subjecting such proposals to a rigorous analysis.

Another point I make at the outset is that as you read the language that Senator DURBIN would like to get in the conference committee report, you see that the Federal Government takes a role in this whole process of building the O'Hare redevelopment plan. The language in the bill could arguably drain airport improvement funds from every Senator's airport around the country and put it in at O'Hare, when some members of the Illinois delegation, including myself, don't even favor that plan.

I favor the construction of a third airport in the south suburbs. That is something that the FAA and the city of Chicago and the States of Illinois, Wisconsin, and Indiana concluded was the right thing to do back in 1986–1988 when they did the Chicago Airport Capacity Study. That study concluded that it was not practicable to expand the capacity of O'Hare Airport and that the appropriate solution for the future was to build a third airport. It was suggested that the south suburbs of Chicago would be a good place to start a third airport.

My message to my colleagues from around the country is, if you are willing to risk airport improvement funds in your own States for your airports, then you should support Senator DURBIN. But if you want to keep your share of airport improvement funds for your airports and not send them for an expansion plan that I don't even support in Illinois, then you should vote with me.

It should also be pointed out at this point that this is a project that involves blockbuster amounts. In August, the State of Illinois transportation director suggested that the cost of the total project would be as much as $13 billion. And the reason it is so costly is because you are tearing up existing runways that are very deep—one is one of the longest in the country—and you are repositioning them. Of course, the mayor of Chicago already has a $4 billion terminal expansion plan that is on the table, and then included in this language that Senator DURBIN has is a western access road that could cost as much as $3 billion, depending on where it goes.

Mr. DURBIN. Will the Senator yield?

Mr. FITZGERALD. Yes.

Mr. DURBIN. Will the Senator indicate who will pay for the western access?

Mr. FITZGERALD. That is unclear. I think under certain circumstances the western access would have to be paid for out of airport improvement funds because in section 6 of your bill you provide for Federal construction of the project.

Mr. DURBIN. Is the Senator aware the western access would be paid for by the city of Chicago?

Mr. FITZGERALD. No, and that is certainly not clear from the language.

I cite section 1(f) of your language where you define the runway design plan to include related facilities, which I take to include related roadway improvements. So I don't know how many Senators want airport improvement funds drained from their States to go for a road in the Chicago area which would be part of this overall O'Hare expansion plan. That road happens to be a good idea if they do it in the right way. If they do it in the wrong way, it will take up 20 percent of the business and an industrial park in the city of Elk Grove, the largest industrial park in the country. Twenty percent of that would be taken out.

Mr. DURBIN. Will the Senator yield?

Mr. FITZGERALD. I will yield for one more question.

Mr. DURBIN. I refer the Senator to specific language which says, approval of western public road access shall be subject to conditioning that the cost of construction be paid for from airport revenues.

It does not come from airport improvement by the Federal Government.

Mr. FITZGERALD. Where do you have that language?

Mr. DURBIN. Airport improvement funds come from Washington; airport revenues——

Mr. FITZGERALD. But they would be revenues of O'Hare Airport.

Mr. DURBIN. From the ticket charges.

Mr. FITZGERALD. O'Hare revenues would include whatever revenues they took in, from any source. You don't say that.

Mr. DURBIN. I say to my colleague, airport improvement funds are from Washington, from the General Treasury; and the passenger facility charge is generated by the airport itself. And it specifically says the western access will be paid for from airport revenues, not from the Federal Treasury.

I say to the Senator, we can disagree and do disagree, but I want him to represent this as it is written.

Mr. FITZGERALD. To my colleague from Illinois I say I am sure if I got an annual report of O'Hare and looked at the income statements, they would include as airport revenues the funds they receive from whatever source—from airport improvement funds, from PFCs, from concessions, or any source that is part of total revenue. I differ on how this language reads.

As I said earlier, there are safety issues raised by this project, this proposal. We currently have 25 taxi runway crossings at O'Hare. That brochure that I held up earlier that the FAA puts out on airport safety, one point it makes is layouts of airports that require aircraft and vehicles to cross runways need to be avoided. This goes on to say that every crossing represents a potential runway incursion. Vehicle crossings can be eliminated by constructing all-weather perimeter and service roads. At busy airports with a large volume of vehicles traveling from one side of the airport to the other, it may be cost beneficial to construct vehicle roadway tunnels under the runways.

It goes on and emphasizes that the number of crossings, taxiway and runway crossings affect safety. My understanding is the current layout at O'Hare Airport has 25 taxiways and runway crossings, but this new plan would have 43. It is a much more complicated design. Under the standard set up by the FAA, in their own brochure, there could be an increased threat of a runway incursion.

The point has been previously made by my colleagues from Arizona and elsewhere that the language Senator DURBIN is offering tonight bypasses the authorizing committees in the House and the Senate. It is, in my judgment, a circumvention of the process. The appropriations, the Defense appropriations bill is not the appropriate vehicle to have a transportation or an aviation measure. In the Senate, we have the Commerce Committee that governs transportation and aviation. If there is any expertise in the Senate staff and among the Senators who have a lot of experience in aviation, it is in the Senate Commerce Committee, and in the House it is the House Transportation Committee. The House has, in fact, told our Commerce Committee staff that they will oppose this language in conference because they believe this is not going through the proper channels. There were no hearings in the appropriate committee.

As I said, why aren't we doing this in the State legislature? If for some reason they couldn't do it in the State legislature—say they weren't meeting for the next year and they had to come to the Senate—you would think the way to do this would be to bring a bill and go through the appropriate channels, go through the authorizing committee, and have hearings in the Senate Commerce Committee.

Of course, I was in Chicago with Senator DURBIN and Senator MCCAIN earlier. We had an informational hearing on aviation in Chicago. At that time, Mayor Daley had decided he was going to come out with a plan. But the plan that was just agreed to that we are now being asked to vote on is 48 hours old. It was a backroom deal between two people. It didn't involve the State legislature. It is not available to the public. No details are available to the public. We are being asked right now to enact it into Federal law.

The other thing this language that the city of Chicago is offering does is take the unprecedented step of saying if this new airport violates the Clean Air Act, if we are going to violate the EPA laws, then the EPA must revise their own regulations so that the plan can fly. Isn't that nice? We are just going to give them in Federal law a cart blanche to violate the permissible levels of toxic pollutants put out, and we are going to do that in the Senate. Isn't that a good idea?

My understanding is there are airports around the country that have had problems because they haven't been able to comply with the Clean Air Act. But they have to make modifications so they comply with the Clean Air Act.

I would like O'Hare Airport—whether the current airport or a redesigned O'Hare—to comply with the Clean Air Act. I wouldn't want the Clean Air Act modified or weakened or the burden put on some other industry to make up for the added pollution given out by O'Hare Airport.

Of course, one of the problems we have in airports such as O'Hare in a congested urban and suburban surrounding is that you pose a risk of toxic pollutants to hundreds of thousands of people.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. FITZGERALD. I would prefer to continue and give the Senator plenty of time to respond at the end of my speech.

Mr. DURBIN. Thank you.

Mr. FITZGERALD. Mr. President, another issue I have been concerned about and Congressman JACKSON and Congressman HYDE have been concerned about for a very long period of time is that we have two airlines that have 87 percent of the aviation market at O'Hare. Those airlines are United and American. I applaud the hard-working employees of those airlines. I have a great deal of respect for them. They have been through a very difficult fall.

But one of the issues I am concerned about is that there is not adequate competition on long-haul flights to Chicago. We have some competition coming out of Midway Airport, and very good competition from great airlines, ATA and Southwest. It is difficult to do long-haul flights because the runways are so short.

I thought it would be preferable to build a third airport because that would provide new entrants in the Chicago aviation area and an opportunity to compete with United and American.

A GAO study commissioned by Congress a couple of years ago said monopoly overcharges at Chicago's O'Hare Airport—additional fees that consumers of air travel in the Chicago area pay that result from monopoly conditions at O'Hare—amount to $623 million a year. In fact, Governor Ryan, when he was campaigning for Governor, put out a policy paper that cited that GAO report in support of his then position favoring the third airport.

While I think Senator DURBIN's ultimate objective and certainly Mayor Daley's objective would to be expand capacity at O'Hare, my question is how construction would proceed. When they are tearing up and rebuilding O'Hare, my worry would be we would, in fact, have less capacity than we do right now due to construction.

Anybody in the Chicago area who drives the expressways from the suburbs to the city or from the city to the suburbs knows what happens when there is a construction project during

the summer on the expressways. It causes huge bottlenecks. People's commutes to work are doubled.

My fear is that, while we are doing this massive tearing up and rebuilding of O'Hare, the delays we have been enduring for the last few years at O'Hare and around the country would, in fact, be exacerbated.

In addition, one of the things that the language Senator DURBIN will be offering in the conference committee, if he succeeds in getting this language adopted tonight, in my judgment—and I think Senator DURBIN will probably dispute it, but I will let him speak for himself—this language is a backdoor means of killing the third airport at the south suburban site.

There is a section in the bill that mentions Peotone, but it really is just lipservice. It says the FAA must consider Peotone. But I think I will be able to demonstrate as we go on tonight that the specific terms of the language, because they mandate a reconstruction project at O'Hare, would have the effect of drying up the justification for going forward with a third airport.

The State's premise for building the third airport has always been that there was not going to be an expansion of O'Hare. The Chicago Airport Capacity Study of 1986 to 1988, in fact, concluded that it wasn't feasible—I agree with them—to expand the capacity at O'Hare, which leads me to my discussion of the wisdom of expanding O'Hare as opposed to going forward with a third airport in the south suburbs.

The bottom line, in my argument, is that we would get more capacity more quickly at less cost by building a third airport in the south suburbs than we would by going forward with Mayor Daley's expansion plan at O'Hare. Of course, going forward with the third airport would still leave money for everybody else's airports in the country. I don't think Mayor Daley's plan would.

If I could point to a couple of the advantages, first with respect to cost. There have been many estimates of the cost. I think we can count on the O'Hare expansion being at least $13 billion. That was the figure cited by Kirk Brown, director of the department of transportation of the State of Illinois in August with respect to Mayor Daley's expansion plan. That is because there is $6 billion in runway reconstruction that is being proposed and talked about right now. There is $4 billion for the World Gateway Terminal Program that is already underway. Then there is $3 billion in related roadway improvements.

In contrast, the third airport would be on a greenfield site on 24,000 acres in a rural area and would only cost $5 billion to $6 billion, roughly the same amount at Denver International Airport. It is laid out similarly on a lot of land with a lot of space. It is easier to build in an open space than it is to go into a congested urban area. It is easier than going into an existing airport such as O'Hare, tearing up and moving the runways, and in some cases tearing them up and moving them over 500 feet. You don't have that waste if you just go ahead and build the third airport.

Capacity: Mayor Daley's plan would add 700,000 additional flight operations at O'Hare. It is now at 900,000 operations. An additional 700,000 a year would bring it to 1.6 million operations in a year.

But, in fact, for a third of the cost, the capacity could be 1.6 million operations, much greater for the long-term future of our country.

Construction of the third airport: By the terms of the legislation, which Senator DURBIN will provide to the conference committee, you can see they aren't even anticipating getting to the final runway at O'Hare until 2011. That project is going to go on for more than a decade. It will go on and on and on, and people will probably, in my judgment, be delayed during the construction.

In contrast, it is estimated that phase I of the third airport could be up in 3 to 5 years after we got approval. And a request for approval has already been started at the FAA. The State has already submitted that plan. The city of Chicago has not submitted its plan yet to the FAA.

Community: With respect to O'Hare, you have significant opposition from communities surrounding O'Hare. The quality of life of hundreds of thousands of people would be adversely affected by that proposal. Yet in the south suburbs, you generally have significant community support, although there is, of course, some local opposition from homeowners; there is no question about that.

Going back to the competition point, the O'Hare expansion, in one of the designs of this whole O'Hare expansion, is to goldplate United's and American's position at O'Hare. At United and American, they do a good job. I fly them back and forth every week between Washington and Illinois. But they do enjoy a monopoly position. They have an 87-percent market share at Chicago O'Hare Airport. The fact is, they have been opposing O'Hare expansion for years, probably as much as 30 years.

O'Hare first reached capacity in 1969. That is when the FAA had to cap the number of flights there because the demand for flights started to exceed capacity. The former Mayor Daley tried to build a third airport. He tried to build an airport at Lake Michigan, a third airport. He recognized back in the early 1970s the need for a new airport.

What this O'Hare expansion would do is, it would lock in American's and United's dominance of the aviation market in Chicago. That is good for the shareholders of United and American. But I would say that is not good for consumers. We benefit by having more choices, by having competition, by having new entrants come into the airport.

If we had a new airport, we would have new entrants coming into the Chicago market almost certainly. We have had testimony before the Senate Commerce Committee that new entrants have a hard time or cannot get into O'Hare. In fact, a representative of JetBlue testified earlier this year that they wanted to run flights to Chicago out of New York, but they could not get into Midway or O'Hare.

We have to confront this issue because passenger travel has gone up 400 percent in this country since deregulation. But the major hub carriers have blocked every single new airport in the last 20 years with the exception of Denver. And in Denver's case, they insisted that Stapleton Airport be shut down so they could not get a maverick carrier like Southwest in there competing.

So you look around the country now. What Congress has allowed to happen is we have monopolies by region in aviation. If you go to Atlanta, Delta has a dominant position. If you go to Minneapolis-St. Paul, you have Northwest, which has a dominant position. They have also a dominant position in Memphis and Detroit. If you look at Dallas, in Senator GRAMM's State, you have a dominant position by American Airlines.

In Chicago, United and American share their dominance. We are blessed in Chicago because we have a duopoly as opposed to a monopoly; and that is somewhat better. But the fact of the matter is, consumers around the country are suffering because they do not have aviation choices in their communities. And the airlines kind of like this situation. You do not see Delta making much of an attempt to go into United's and American's turf in Chicago, and you do not see much of an attempt by United and American to go and intrude on Delta's dominant position at Atlanta's Hartsfield Airport. They have kind of carved up the Nation's aviation market like slices of apple pie.

I would like to focus and turn our attention now to a section-by-section analysis of the language that Senator DURBIN would like to introduce into the conference committee on the Defense appropriations bill.

If we start right at the beginning of section (1), it is entitled: ''Necessity Of O'Hare Runway Redesign And Development of South Suburban Airport.''

Section (1) (a) reads:

> The Congress hereby declares that redesign and reconstruction of Chicago-O'Hare International Airport in Cook and DuPage Counties, Illinois in accordance with the runway redesign plan——

And that is later defined——

> and the development of a south suburban airport in the Chicago metropolitan region, are each required to improve the efficiency of, and relieve congestion in, the national air transportation system.

I submit that the very first paragraph of Senator DURBIN's language

that he hopes to put into the conference committee report—that there is no basis for this language. There is not a single report, no finding, no study, no cost analysis, no cost-benefit analysis to support the idea that we should both build a massive O'Hare and go forward with the south suburban airport that I discussed.

As we discussed, the State's premise for the third airport is that O'Hare would not and could not be expanded. There are studies—there are reams of studies—going back many years that say we need a third airport. Those studies are premised on the belief that there is no way that O'Hare could be feasibly expanded. And so there is justification for Peotone.

There is no study—nothing—that supports the notion that we need both a massive new O'Hare and a Peotone.

Now 49 U.S.C., section 47115, subsection (c), says that as a condition of any discretionary grants a cost-benefit analysis of the project should be done.

We are mandating a project right now. And apparently we are not going to do a cost-benefit analysis. Why is Congress, why is the Senate being asked to gut our mechanism for applying an analytical review process to improvements and changes at runways and airports around the country? What are the costs and benefits here? We do not know. This is a backroom deal that happened about 48 hours ago. In fact, it was less than 48 hours ago that they reached that backroom deal. And we do not have any of the details. We do not have any of the internal documents. We do not have any of the background information that we need. And, moreover, we are not the ones who should be passing on this backroom deal.

If there is a runway plan that the city of Chicago has, they should submit it through the appropriate channels. The other thing that the FAA's cost-benefit analysis, that Congress has mandated, requires is that it requires a consideration of alternatives. If an airport is proposing an expansion plan, the FAA would make them go through a rigorous analysis of what would be the alternative. What are the costs and the benefits of an alternative?

Isn't that the sort of analytical approach we should take on these things? Why are we mandating, codifying in Federal law, and preordaining the outcome? No one is going to look at whether this plan makes sense. We are just going to make it a Federal statute. And it does not matter whether it makes sense.

No one has introduced details of costs. There are no benefits that have been suggested and no alternatives. There is no such analysis available for O'Hare. And they have not offered any new analysis on Peotone.

So, in short, this language that Senator DURBIN hopes to put in the conference committee report guts the analytical framework mandated by Congress and makes this the only mandated runway construction plan in the country.

Mr. President, we talked earlier about how the costs would probably be borne by the airport improvement fund to some extent around the country. If you go to section 1(b), it says that ''The Federal Aviation Administrator shall implement this Federal policy by facilitating approval, funding, construction, and implementation of'' the runway design plan. So the FAA, its hands are tied. It must facilitate, it shall—the word is ''shall''—shall facilitate the approval, the funding, construction, and implementation.

What if the FAA were to decide they didn't want to give this any discretionary grants? I would think anybody who had bought a bond that was issued in reliance on this language that the FAA would be compelled to facilitate the funding might have a claim there. They would be in a position, the city would be in a position to force the FAA to cough up money, and it would be forced to cough up perhaps at the expense of other airports around the country.

We have said this involves blockbuster amounts. This is not a $1 billion project, this is a $2 or a $3 billion project. This is $6 billion for the construction of runways, and then it is $2 to $3 billion for a ring road and even more costs if it goes through a lot of businesses.

With respect to Peotone in that first paragraph, it says that there is a necessity for O'Hare runway redesign and development of a south suburban airport. But it doesn't say what kind of a south suburban airport. Is this a one-runway south suburban airport or a six-runway south suburban airport? There have been different proposals in that regard. The State of Illinois has already submitted a proposal to the FAA for a starter south suburban airport that would have one runway initially but could be expanded to six. This language does not say.

With respect to airport financing, it is pretty well gone, certainly on the Senate Commerce Committee. And I am sure, as most of the Senators, that these projects are typically paid for with a combination of general airport revenue bonds that the airlines agree to help retire over time, and also another element is passenger facility charges, so-called PFC fees. Of course, one major component is the one I was discussing before that I would suggest would be depleted for other airports around the country. That is the airport improvement funds. Huge amounts of airport improvements funds would be sucked up for O'Hare, for a controversial plan that the residents, the legislature, the congressional delegation of Illinois are split on, and many don't even want it.

Congress should not obligate itself to these huge expenditures in Senator DURBIN's language. It is clear to me that Congress, if it enacted into law Senator DURBIN's language, would be obligating itself to huge expenditures. But we don't even know what those expenditures would be because those haven't been introduced or shown to anybody. We don't know what it would cost. But we would be obligating ourselves.

(Mr. CORZINE assumed the chair.)

Mr. FITZGERALD. I suppose it would not be the first time we have picked up some unspecified liability, but I know the Presiding Officer has been a fiscal watchdog for the taxpayers, and he and I worked together to make sure that the taxpayers were not abused with respect to the airline bailout bill. We were concerned about the amounts there, and others in this Chamber were. I would suggest to the Presiding Officer and all Members of this body that we should be very cautious in obligating ourselves to unknown costs. We are assuming liabilities that are not specified in this language.

The airport improvement funds have two components. Two-thirds of AIP funding is based on a formula which is in turn based on the size of the airport and the number of enplanements at the airport. If O'Hare is the busiest airport in the Nation this year, that means that based on the formula, it is probably getting the most airport improvement money of any airport in the country.

If its size is doubled, then indeed its share of the airport improvement funds, formula funds, would in fact be close to double. That would come out of other airports around the country.

The other third of the airport improvement funds comes from discretionary grants. I suggest to my colleagues in the Senate that this language would obligate the FAA to take huge chunks of their discretionary money and put it into this project at O'Hare that I don't support, that Congressman HYDE does not support, that JESSE JACKSON, Jr., doesn't support, that the State Senate of Illinois does not support. All that money would be obligated to come from all of your projects.

So, again, why not just go forward and build the third airport? The State committed the proposal for the third airport. We would get more capacity by building Peotone alone, and we would have money left over for airport improvements elsewhere in the country.

I would also be concerned for the airports I have in downstate Illinois. Some of their AIP funds could be sucked up and given to O'Hare. This project could in fact be done at the expense of some of the downstate airports in Illinois. We would be doing this all at a time when we have a complete absence of models, a complete absence of FAA models, a complete absence of specifics, a complete absence of studies, a complete absence of detailed financial cost disclosures, and a complete absence of alternatives.

With respect to the costs, the costs are written. And in fact the runway design plan that would be mandated here is written and defined in such a way as to include undefined elements. In fact,

in section 1(f), it says that the term ''runway design plan'' means six parallel runways at O'Hare oriented in the east-west direction with the capability for four simultaneous, independent instrument aircraft arrivals and all associated taxiways, navigational facilities—what does that mean?—passenger handling facilities—is that terminals?—and other related facilities, and on top, the FAA would be mandated to facilitate this, presumably with funds, and the closure of existing runways 14L–32R, 14R–32L, and 18–36.

I said earlier that the State was preempted and that really is the crux of why we are here. You have a plan that cannot get approved by the State legislature, and therefore we are being asked to substitute ourselves for the State legislature of Illinois.

I am proud to have served in the Illinois State Senate. Many distinguished people, including Abraham Lincoln, served in the Illinois General Assembly. I would suggest to my colleagues that it is not appropriate for us to be substituting ourselves for the Illinois General Assembly. If the mayor needs their help in getting this plan approved, he ought to go submit his plans to the Illinois General Assembly. But instead, if you look at section 1(c) of Senator DURBIN's language, what the bill attempts to do is preempt State laws. I will read the language here that is the crux of Senator DURBIN's bill:

> The State shall not enact or enforce any law respecting aeronautics that interferes with or has the effect of interfering with implementation of Federal policy with respect to the runway redesign plan including, without limitation, sections 38.01, 47 and 48 of the Illinois Aeronautics Act.

This clearly preempts the Illinois Aeronautics Act. It preempts specifically and gives specific mention to the sections of that act that require a hearing process, a vetting process, a permitting process. It wipes out the State's permitting process.

I believe this language is broad enough. It does not just say it wipes out the Illinois Aeronautics Act, although it does mention it specifically. It says any law respecting aeronautics that interferes with or has the effect of interfering with the implementation of this law. So that would wipe out, in my judgment, environmental laws if they were a roadblock. If Mayor Daley could not comply with State environmental laws, he would have a Federal mandate to blow those away. He would not have to comply with the environmental laws of the State of Illinois.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FITZGERALD. I would rather yield at the end, I say to my colleague, my good friend from Illinois.

State securities laws could come into play if there are airport bonds that are issued. If they had the effect of interfering with this, could they be overridden?

There are other States that are in this position, in fact, that have some State laws in this area. I have a chart. This chart was actually prepared for a different bill, H.R. 2107. That was an attempt by Congressman LIPINSKI in the House to preempt local and State laws regarding airport approval processes.

I believe there are a total of 26 States that have some control to give approval to local airport projects. Of course, Illinois is one of them, and all these other States—in fact, Mr. President, some of your neighboring States—Pennsylvania, Maryland, Delaware, New Hampshire, Vermont, Massachusetts, Missouri, Indiana, Michigan, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Oklahoma, Texas, New Mexico, Alaska, Utah, Wyoming, Idaho, Tennessee, Alabama, Mississippi—they all have some State laws in this regard to regulate airports. In my judgment, it is a bad precedent for the Federal Government to begin overriding those laws. Perhaps some of those people in those State legislatures and some of the local permitting authorities know something about their local projects and we in Washington should not be substituting our judgment for their judgment.

I do not think it is a good idea we come in and blow out the laws of the State of Illinois that have been enacted by people duly elected to serve and represent their interests. We would be obliterating the say of the people in the Illinois General Assembly by enacting this measure.

Again, the mayor could have gone to the legislature to pass this plan, but he did not want to or he could not, so he came to Congress to wipe out the State's legislature law. At the heart of this legislation, more than anything else, is really an attack on the Illinois General Assembly, if you want my opinion.

If we turn to section 1(e) of the bill, this section indicates there is a fear on the part of the proponents that the mayor's expansion proposal will violate national air quality standards. Therefore, what this language does in section 1(e) of the bill is it will force the U.S. EPA to rewrite and weaken environmental regulations to keep them at the same strength by having some other industry in Illinois pay for it. Either that or it would just cause them to weaken their regulations altogether.

Section 1(e) reads as follows:

> If the Administrator determines that construction or operation of the runway redesign plan would not conform, within the meaning of section 176(c) of the Clean Air Act, to an applicable implementation plan approved or promulgated under section 110 of the Clean Air Act, the Environmental Protection Agency shall forthwith cause or promulgate a revision of such implementation plan sufficient for the runway redesign plan to satisfy the requirements of section 176(c) of the Clean Air Act.

What does that mean? It means if Mayor Daley's runway redesign plan violates the Clean Air Act, then the EPA must weaken the Clean Air Act so the plan no longer violates the Clean Air Act, or they must, through their crediting process, put the burden on some other industry. Not many industries in Illinois are aware of that.

Right after that, we have section 1(g) that, again, refers to the ''south suburban airport.'' It says:

> The term ''south suburban airport'' means a supplemental air carrier airport in the vicinity of Peotone, Illinois.

Again, there is no definition. Is that a 6-runway or a 10-runway airport? We do not know. There have been different proposals, so I do not think this language is necessarily well done.

Section 2 of the bill is on phasing of construction. This bill suggests that, in fact, the city would be forbidden from beginning construction of the sixth runway until 2011. What that means is that prior to 2011, there will not be six parallel runways at O'Hare.

We have seven runways at O'Hare today. Prior to 2011, there will only be five parallel runways? Will we have less capacity at O'Hare until the sixth runway is finally built in 2011? It raises interesting questions. Western roadway access, again—and I had this colloquy with my colleague from Illinois. He disputes this, but I believe the language would require that the airport revenues be made available to pay for western public roadway access and revenues of the airport.

As the Presiding Officer would know, having been the chairman of Goldman Sachs, one of our country's leading investment banking firms, the revenues of the airport would include all their revenues, whatever source derived, whether passenger facility charges or airport improvement funds. They could apparently use airport improvement funds to help with the roadway project.

> The Administrators shall not consider, and shall reject as incomplete, an airport layout plan submitted by Chicago that includes the runway redesign plan, unless it includes public roadway access through the western boundary of O'Hare to passenger terminal and parking facilities.

I do believe that roadway access would help with O'Hare. The problem is right now we have to build another terminal out there on the western side for it to be truly as valuable as it should be. There is a question as to where this roadway would go. It would be a massive roadway. Would it take out several villages, such as Elk Grove and other villages, in the area?

In fact, Mr. President, we have some maps that show some of the surrounding communities. We see the problems we get into when we start a massive plan such as this in a congested urban and suburban area.

That western ring road would be on the western boundary of O'Hare. It would go from I–90 presumably on the north down somewhere to Irving Park Road on the south.

I will point out that Elk Grove Village is there. The largest industrial park in the entire Nation is right about

here. If this road goes through, it would take out perhaps 20 percent or more of the largest industrial park in the country. I do not favor that.

If they wanted to do the western access on airport property, I think I would favor that, but I would not favor this. Will we give Federal impetus to something that nobody in this body was intending, perhaps not even sponsored the language, and that is the destruction of a large portion of Elk Grove Village, IL?

I know Elk Grove Village, IL, very well. I represented that area when I was in the State senate. I represented the northwest suburbs. I know the mayor of Elk Grove is very concerned about losing the tax base in his village and hundreds of wonderful, strong businesses that use the industrial park.

There is a large section on noise mitigation, and I will address that section as well. There seems to be an attempt to address the noise concerns that would be created by this expansion program, but I think there is a trick. If we look at section (4)(b)(1), it says:

> Approval by the administrator of an airport layout plan that includes the runway redesign plan shall be subject to the condition that noise impact of aircraft operations at O'Hare in the calendar year immediately following the year in which the first new runway is first used, and in each calendar year thereafter, will be less than the noise impact in calendar year 2000. The administrator shall make the determination required by this section.

The trick is they are comparing today's fleet with a much quieter fleet in the future. It is not an apples to apples comparison. The apples to apples comparison would be to take the future fleet at the current level of operations and to compare that future fleet at the future level with the current level with the future fleet. So it gets complicated. What they are doing is clever but misleading.

I say to my constituents who are worried about that issue, there is not a lot to help them with their concern of the disruption in their life caused by this massive expansion plan. Of course, this expansion is in a very congested urban and suburban area with hundreds of thousands of people living in and around there, most of whom—our phones have been ringing off the hook—are opposed to this plan, but the Senate is being asked to approve this plan tonight.

I apologize for that because I do not think this is an appropriate bill, the Defense appropriations bill, and I regret that we have to be debating this specific issue tonight.

Section 5 of the bill pays lipservice to the south suburban airport issue. It says:

> The administrator shall give priority consideration to a letter of intent application submitted by the State of Illinois or a political subdivision thereof for the construction of the south suburban airport. This consideration shall be given not later than 90 days after final record of decision approving the airport layout plan for the south suburban airport has been issued by the administrator.

This has been billed and portrayed in Illinois as legislation that would actually move the ball forward with respect to the third airport. I suggest to my colleagues this language, in fact, kills the third airport in the south suburbs. The reason I say that is any airport funding for the south suburban airport would be, one, soaked up by the massive expansion at O'Hare and, two, all this language requires is the administrator give consideration to a letter of intent submitted by the State of Illinois.

The FAA is already going to consider the letter of intent submitted by the FAA. We do not need this language. They are already going to consider it. Maybe it would speed it up a little bit, but that is about all. There is no guarantee the third airport would be approved. In fact, I believe the justification for the third airport would vanish in light of the massive expansion of O'Hare. Again, the whole premise for the third airport was it is not feasible to expand O'Hare.

Make no mistake about it, everyone in Illinois should know this language is a Peotone killer. It is a backdoor way of ensuring the third south suburban airport will never be built in the State of Illinois.

There is no justification—no cost-benefit analysis would suggest the FAA should approve that plan once the massive expansion of O'Hare has been approved.

The next section, section 6, is a section I think should be of special concern to every Member in this body from every State in this country. This is the section that would require the Federal Government to construct this massive plan at O'Hare, which I have said I do not want, many Members of Congress in my State do not want, and the State legislature will not approve. The Senate will be asked to pay for it as a Federal project. That would be nice if the Chair would, for instance, give me his airport funds from Newark Airport to pay for this project, except I do not want this project.

I think every Member in this body should think long and hard whether they want their airport improvement funds to be sucked up by a massive O'Hare expansion plan, a $13 billion plan at least, in my judgment, something that I do not even want in my State, that is very controversial in my State.

What this language says is:

> On July 1, 2004, or as soon thereafter as may be possible, the administrator shall construct the runway redesign plan as a Federal project, provided (1) the administrator finds, after notice and opportunity for public comment, that a continuous course of construction of the runway redesign plan has not commenced and is not reasonably expected to commence by December 1, 2004.

I am not sure whether those are the exact dates they are going to want, but that is the language Senator DURBIN shared with me, and I appreciate that. He did not spring this language on me. He shared this with me. I called him yesterday and I asked him to fax the language he wanted to introduce in the conference committee. I compliment him for not taking me by surprise and for disclosing his intentions as to the conference report.

What that means is if there has not been a continuous course of construction on the runway redesign plan, then the Federal Government, the FAA, the Administrator, the Federal Aviation Administrator, shall take this project over and shall construct a runway redesign plan as a Federal project. So all the taxpayers and all the other States would pay for it.

I love it when the Senate gives money to my State. Our State has not gotten its fair share of Federal funds over the years. I think we are doing a lot better. Thanks to the leadership of the Speaker of the House, who is from Illinois, we are doing better in that regard in recent years. I enjoy it when my colleagues are generous with money for my State, but this is a project I do not support. So I ask, please, do not take money out of your airports and deprive them of revenue to put into a project in my State that I do not support.

One of the interesting parts of this whole thing is if we go back to section (1)(c) of Senator DURBIN's language, the first thing this bill really does is it preempts the Illinois Aeronautics Act.

The interesting thing about the bill, it goes on to say the city of Chicago shall not build the runway redesign plan, and if for some reason they did not, the Federal Government will step into its place and do it. But it can delegate those responsibilities, then, back to the city of Chicago.

Interestingly, under our State law, municipalities such as city of Chicago don't have any authority except from State law to operate its airports. That is where the city of Chicago gets its authority to operate O'Hare. They have it from the Illinois Aeronautics Act. But this Federal bill would obliterate the Illinois Aeronautics Act. How would Illinois or Chicago have the authority to even have the airport? Would O'Hare airport or the city of Chicago become a Federal reservation? It is not clear. Very unusual language, in my judgment.

I am sure the proponents, especially United and American, have a lot of employees, a lot of contractors and subcontractors, a lot of people who do work for them.

They have influential directorships, they are very active and involved in the community in Chicago. This is a bonanza for them because it blocks a third airport for generations to come and they would be assured, in my judgment, of not having any effective competition in the Chicago market from any other long-haul carriers for as long as the eye can see, as far as we can see into the future. In my judgment, this is not in the interests of the general public.

Once the legislature's granted authority is obliterated by this Federal legislation, then interestingly the city has no authority to build. The city would lose its legal authority to contract for an airport, so this is very curious language. That would point out that is exactly why we shouldn't be acting in the Senate as though we were the Illinois State Legislature. You get these problems, unintended consequences, when you start rewriting the Illinois Aeronautics Act or preempting it at the Federal level. You get all sorts of unintended consequences. It is not a good idea, in my judgment, to come in and rewrite a State act, especially on a Defense appropriations bill at 8:30 in the evening on Friday night when we should be debating defense amendments.

We have our troops on the ground in Afghanistan. This, clearly, isn't the appropriate forum to debate the propriety of the Illinois Aeronautics Act. Let the State legislature take up the Illinois Aeronautics Act when they get back into session next January.

Then if you go on—and the language is many pages long—if you go to the end, they do have the provision I support and that is keeping Meigs Field open in Chicago. I don't know if the President has ever flown in or out of Meigs Field, but it is a beautiful airport on the Chicago lakefront. The business community loves that airport. People are able to fly right into the heart of downtown Chicago. They are right in the city and can easily get to a meeting. It is a great general aviation airport. There is a provision that would do something to assist keeping Meigs Field open. I support that. It was regrettable the city of Chicago wanted to close Meigs Field.

I always thought that was a mistake. Meigs Field has handled as many as 50,000 flight operations a year. If it shuts down, you will put those flights into Midway and O'Hare—a large number of them, anyway—which will add to congestion at Midway and O'Hare.

I have always felt closing Meigs Field was inconsistent with alleviating air traffic congestion in the Chicago area. I was disappointed the city wanted to close it.

This backroom deal we are being asked to codify, which is under 48 hours old, and no specifics or financing or details or studies have been released to the general public back in Illinois, has been portrayed in the press as keeping Meigs Field open until January 1 of the year 2026. It appears to give it another 25 years. But they have a provision in here that would allow the Illinois General Assembly to close Meigs Field in 6 years.

Now, is this not odd? On the one hand, they take away, obliterate the State statute passed by the Illinois General Assembly, passed by all the State representatives and State senators in Illinois and enacted into law by the Governor, we are asked to obliterate one act, but on the other hand, we are writing a law that the State legislature in Illinois would have to comply with, and that is they can't shut Meigs Field down prior to January 1, 2006. But after January 1, 2006, Meigs Field could be shut down by the Illinois Legislature. In fact, it says in section (7)(4)(b):

> The administrator shall not enforce the conditions specified in subsection (a) if the State of Illinois enacts a law on or after January 1, 2006, authorizing the closure of Meigs Field.

So we are at the Federal level granting the State of Illinois the authority in Federal statute to close Meigs Field. However, we are taking away the Illinois General Assembly's authority to have anything to do with O'Hare. It is wildly inconsistent. There is no principle behind what they are doing. That is what you get with a backroom deal that is the product of people saying: I will scratch your back if you scratch mine.

We are being asked to put a secret backroom deal into Federal law.

Now, I get to the final section on judicial review. That is section 8. It says that what this is designed to do, as I read it—and I have to say I have not yet looked up title 49, United States Code, subtitle VII, part A, but I have a feeling what this is meant to do is basically to cut off the right of trial and to deprive anyone who would question this backroom deal; they would never get their day in court. So this section 8 curtails the judicial review and says you never get your day in court. If you want to challenge this deal, that is tough luck. What happens is you won't get a right of trial in the district court. You will have to go right to a court of appeals and the FAA will control all the facts below and you will get 20 minutes in a court of appeals and that is it.

This is a way of cutting off anybody who may object to this, cutting off their right to use their legal rights they might have. Those rights would be curtailed.

Going back to the safety issue, I have great concerns. I am concerned that two sets of parallel runways in the proposal of the new design at O'Hare would be too close together. My understanding is—and we only have what we know from news accounts because no details are released—there has not ever been a formal plan submitted to the FAA or to the State, so we don't have all the details. We have maps that have appeared in newspapers and the like. It is everybody's best guess as to what is in the backroom deal we are being asked to codify into Federal law tonight. But it looks, from what I understand of the information available to me, that these two sets of parallel runways on which they would like to have simultaneous takeoffs and landings would be only 1,300 feet apart. The FAA regulations require ordinarily, without a waiver, a 4,300 foot separation between runways.

Now, the problem with that is if a plane is landing in one direction and another taking off in another direction and a plane turns here, it could hit a plane coming into another runway. We are not cutting down the margin of error.

I can understand why they can't make a 4,300 foot separation between runways on this airport land in Chicago. They don't have enough room. O'Hare's footprint is only about 7,000 acres. They would try to take 500 homes in the city of Bensenville and displace those people and bulldoze their homes. They would be moving some roadways. Mr. President, you and other Senators might be paying for that out of your airport improvement funds under this language.

But the problem is they are trying to jam too much in here. There are only 7,000 acres. A newer airport—the third, south suburban airport in a location known as Peotone in Will County south of Cook County where Chicago is located—would be on 24,000 acres. There would be plenty of room to have parallel runways. They would be appropriately spaced.

We also talked about in addition to the runways being too close together, several of these—I don't know how far the distance is between 927–L, the arriving runway, and the south 927 runway. I don't know what that would be. I haven't even seen press accounts of what that would be. Again, there is no formal plan. All of these seem awfully close together.

In my judgment, we could be working against ourselves by going forward with a plan such as that. God forbid. If there ever were a problem that resulted by packing too many runways in too close, we would have made a horrible mistake.

Some Members of this body may believe they are capable of passing on the safety of a runway design plan. But I certainly can tell you that I don't have that expertise, and I suspect none of us really has the kind of engineering background and experience that would require. Maybe somebody here has that expertise, but I don't think so. That is why I don't think it is appropriate for us to enact into law a runway design plan. Never before has Congress, to my knowledge, enacted into Federal law a runway design plan. We allow this to go through a vetting process. We allow people to study and vet and test, and we get input from air traffic controllers, from pilots, from experts, and from engineers. They are the ones who need to come and give us their views on the propriety of such a layout.

You shouldn't be called upon, Mr. President, as the Senator from New Jersey, at a quarter to 9 on a Friday night, to decide whether this is a good runway design plan. Maybe it is, but maybe it isn't. Do you believe we can guarantee to the people of this country that in fact this is a safe design plan? I had an air traffic controller in my office this week who told me he had grave concerns that he thought this was an unsafe plan.

In fact, I have a letter, which I ask unanimous consent to have printed in the RECORD, dated November 30, 2001, from the facility representative of the National Air Traffic Controllers Association.

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

NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION,
CHICAGO O'HARE TOWER,
Chicago, Illinois, November 30, 2001.

Hon. PETER FITZGERALD,
U.S. Senate, Washington, DC.

SENATOR FITZGERALD, as requested from your staff, I have summarized the most obvious concerns that air traffic controllers at O'Hare have with the new runway plans being considered by Mayor Daley and Governor Ryan. They are listed below along with some other comments.

1. The Daley and Ryan plans both have a set of east/west parallel runways directly north of the terminal and in close proximity to one another. Because of their proximity to each other (1200′) they cannot be used simultaneously for arrivals. They can only be used simultaneously if one is used for departures and the other is used for arrivals, but only during VFR (visual flight rules), or good weather conditions. During IFR (instrument flight rules, ceiling below 1000′ and visibility less than 3 miles) these runways cannot be used simultaneously at all. They basically must be operated as one runway for safety reasons. The same is true for the set of parallels directly south of the terminal; they too are only 1200′ apart.

2. Both sets of parallel runways closest to the terminals (the ones referred to above) are all a minimum of 10,000′ long. This creates a runway incursion problem, which is a very serious safety issue. Because of their length and position, all aircraft that land or depart O'Hare would be required to taxi across either one, or in some cases two runways to get to and from the terminal. This design flaw exists in both the Daley and the Ryan plan. A runway incursion is when an aircraft accidentally crosses a runway when another aircraft is landing or departing. They are caused by either a mistake or misunderstanding by the pilot or controller. Runway incursions have skyrocketed over the past few years and are on the NTSB's most wanted list of safety issues that need to be addressed. Parallel runway layouts create the potential for runway incursions; in fact the FAA publishes a pamphlet for airport designers and planners that urge them to avoid parallel runway layouts that force taxiing aircraft to cross active runways. Los Angeles International Airport has led the nation in runway incursions for several years. A large part of their incursion problem is the parallel runway layout; aircraft must taxi across runways to get to and from the terminals.

3. The major difference in Governor Ryan's counter proposal is the elimination of the southern most runway. If this runway were eliminated the capacity of the new airport would be less than we have now during certain conditions (estimated at about 40 percent of the time). If you look at Mayor Daley's plan, it calls for six parallel east-west runways and two parallel northeast-southwest runways. The northeast-southwest parallels are left over from the current O'Hare layout. These two runways simply won't be usable in day-to-day operations because of the location of them (they are wedged in between, or pointed at the other parallels). We would not use these runways except when the wind was very strong (35 knots or above) which we estimate would be less than 1 percent of the time. That leaves the six east/west parallels for use in normal day-to-day operations. This is the same number of runways available and used at O'Hare today. If you remove the southern runway (Governor Ryan's counter proposal), you are leaving us five runways which is one less than we have now. That means less capacity than today's O'Hare during certain weather conditions. With good weather, you may get about the same capacity we have now. If this is the case, then why build it?

4. The Daley-Ryan plans call for the removal of the NW/SE parallels (Runways 32L and 32R). This is a concern because during the winter it is common to have strong winds out of the northwest with snow, cold temperatures and icy conditions. During these times, it is critical to have runways that point as close as possible into the wind. Headwinds mean slower landing speeds for aircraft, and they allow for the airplane to decelerate quicker after landing which is important when landing on an icy runway. Landing into headwinds makes it much easier for the pilot to control the aircraft as well. Without these runways, pilots would have to land on icy conditions during strong cross-wind conditions. This is a possible safety issue.

These are the four major concerns we have with the Daley-Ryan runway plans. There are many more minor issues that must be addressed. Amongst them are taxiway layouts, clear zones (areas off the ends of each runway required to be clear of obstructions, ILS critical areas (similar to clear zones, but for navigation purposes), airspace issues (how arrivals and departures will be funneled into these runways) and all sorts of other procedural type issues. These kinds of things all have to go through various parts of the FAA (flight standards, airport certification etc.) eventually. These groups should have been involved with the planning portion from day one. Air traffic controllers at the tower are well versed on what works well with the current airport and what does not. We can provide the best advice on what needs to be accomplished to increase capacity while maintaining safety. It is truly amazing that these groups were not consulted in the planning of a new O'Hare. The current Daley—Ryan runway plans, if built as publicized, will do little for capacity and/or will create serious safety issues. This simply cannot happen. The fear is that the airport will be built, without our input, and then handed to us with expectations that we find a way to make it work. When it doesn't, the federal government (the FAA and the controllers) will be blamed for safety and delay problems.

Sincerely.

CRAIG BURZYCH,
Facility Representative, NATCA—O'Hare Tower.

Mr. FITZGERALD. Mr. President, this letter raises several concerns. I have to say that Mr. Burzych and the local chapter of air traffic controllers support expanding O'Hare. They have made that very clear. I certainly know they want an expanded, modernized O'Hare. There may be some need to modernize O'Hare. I am not disputing that. I am just saying we shouldn't be enacting a runway design plan into law.

In his letter, Mr. Burzych told me he had some concerns about what he knew of Chicago's O'Hare expansion plan. He said:

The Daley and Ryan plans both have a set of east/west parallel runways directly north of the terminal and in close proximity to one another.

That is the set of east/west runways in close proximity to one another that are just north of the terminal.

Because of their proximity to each other (1200′)—

According to Mr. Burzych; I thought it was 1,300 feet—

they cannot be used simultaneously for arrivals.

The idea that we would have parallel runways—I know the intent of the mayor of Chicago is to expand the capacity at O'Hare, but this raises the question. The idea of the city was they could have simultaneous takeoff and landing and they would get more capacity out of these six active runways than they get out of their current configuration, which has six active runways as well, but they converge. There are three sets of parallel runways running east-west, northwest-southeast, and northeast-southwest. There are six active and one unused runway now at O'Hare.

The idea has been that by tearing up and rebuilding these runways at O'Hare, we get with this configuration about the same number of runways—actually eight, one runway more than we have now—but there would be greater capacity.

It appears to me that the whole premise of this expansion program is in question because as this air traffic controller, certainly an expert in the field, said, because of their proximity to each other, they cannot be used simultaneously for arrivals. They can only be used simultaneously as one is used for departures and the other is used for arrivals, but only during VFR, visual flight rules, or good weather conditions. During IFR, instrument flight rules—ceilings below 1,000 feet and visibility less than 3 miles—these runways cannot be used simultaneously; they basically must be operated as one parallel runway for safety reasons. The same is true for the set of parallels directly south of the terminal. They, too, are only 1,200 feet apart.

This shows why enacting into law a $13 billion plan at 9 o'clock on a Friday night as part of the Defense appropriations bill, which has nothing to do with the subject of aviation—enacting this plan into Federal law with the intention of increasing capacity at O'Hare, that whole premise may be wrong. Maybe it is not wrong, but we don't know. There is no study. There is no basis in the record. There is no record whatsoever, no FAA model, and not a shred of any evidence that this backroom deal will in fact accomplish what they are hoping to accomplish.

Then, if you go on to point No. 2 of this letter, both sets of parallel runways closest to the terminals—the ones referred to above—are all a minimum of 10,000 feet long. This creates a runway incursion problem, which is a very serious safety issue. Because of their length and position, all aircraft that land or depart O'Hare would be required to taxi across either one or, in

some cases, two runways to get to and from a terminal. Design flaw exists in both the Daley and the Ryan plan. A runway incursion is when an aircraft accidentally crosses the runway when another aircraft is landing or departing. They are caused by either a mistake or misunderstanding by the pilot or controller. Runway incursions have skyrocketed over the past few years and are on the National Transportation Safety Board's most-wanted list of safety issues that need to be addressed.

Parallel runway layouts create the potential for runway incursions; in fact the FAA publishes a pamphlet for airport designers. . . .

That is the pamphlet I referred to earlier. The pamphlet is entitled: ''Improving Runway Safety Through Airfield Configuration.'' It mentions the problems that you can have with closely spaced parallel runways, which I suggest these are. There are serious safety issues here.

Los Angeles International Airport has led the nation in runway incursions for several years. A large part of their incursion problem is the parallel runway layout; aircraft must taxi across runways to get to and from the terminals.

That is the problem. If a plane is landing or taking off here, it has to first come out of the gate over here. And to get from the gate over here, down to this runway to take off, it has to go through at least two other runways, perhaps three. Each time it goes through one of those other runways, there is the potential for an incursion.

I noted earlier that the current O'Hare Airport has, I think, according to the State of Illinois, 25 so-called taxiway runway crossings. This new plan would greatly increase that number, making it much harder for air traffic controllers. I believe, on the basis of the information available to me, that would go from 25 taxiway runway crossings that they have currently at O'Hare up to 43 under the Daley plan. We would be nearly doubling the potential for runway incursions just on the basis of how many new crossings we would have.

I want to be clear, Mr. Burzych and air traffic controllers at O'Hare do favor expanding at O'Hare. Maybe they are right and I am wrong. But I do believe they were not consulted in this backroom deal. This backroom deal that we are being asked to codify in Federal law involved two people, and that was it. They did not have air traffic controllers and pilots involved in that deal. We do not even know the details of that deal that we are being asked to codify in Federal law. But there were other issues that he raised in his letter to me dated November 30:

The major difference in Governor Ryan's counter proposal is the elimination of the southern most runway.

The Governor had originally proposed eliminating that runway because it involves the condemnation of 500 homes and businesses in the city of Bensenville. He later gave in to the mayor and granted him that sixth runway. The letter reads:

If this runway were eliminated, the capacity of the new airport would be less than we now have during certain conditions (estimated at about 40 percent of the time).

So what he is saying is that this plan, until that runway is in place, under certain conditions, would have less capacity about 40 percent of the time at O'Hare. We would spend $13 billion for less capacity at O'Hare—at least until 2011—at least 40 percent of the time.

That is another reason this is not good government, to try to stick placeholder language in the Defense appropriations bill while our country is at war in Afghanistan and we need the Defense appropriations bill. That is why we should not be acting as an aviation commission for the State of Illinois.

The letter goes on:

If you look at Mayor Daley's plan, it calls for six parallel east-west runways and two parallel northeast-southwest runways. The northeast-southwest parallels are left over from the current O'Hare layout.

Let me read that again.

If you look at Mayor Daley's plan, it calls for six parallel east-west runways and two parallel northeast-southwest runways.

So we have six parallel east-west runways; these are the northeast-southwest parallels, these two runways.

The northeast-southwest parallels are left over from the current O'Hare layout.

This, again, is the current O'Hare layout. These two runways would be preserved in this new plan of the city of Chicago.

These two runways simply won't be usable in day-to-day operations because of the location of them (they are wedged in between, or pointed at the other parallels). We would not use these runways except when the wind was very strong (35 knots or above) which we estimate would be less than 1 percent of the time.

So they leave these runways. Fortunately, I guess, there is not much expense in leaving these runways. All these other runways would be torn up from the existing O'Hare Airport. Other runways would be torn up and moved. In some cases you would be paying nearly $1 billion to dig up a runway and move it a few hundred feet north or south.

Mr. McCAIN. Will the Senator yield for a question?

Mr. FITZGERALD. Yes.

Mr. McCAIN. How long has the Senator from Illinois been involved in this particular issue?

Mr. FITZGERALD. At least dating back to 1992.

Mr. McCAIN. In 1992. Was that when the Senator was a member of the State legislature?

Mr. FITZGERALD. When I first got elected as an Illinois State senator.

Mr. McCAIN. May I ask, just since the Senator is well versed on this issue, was there a debate on this during the course of his campaign for the Senate?

Mr. FITZGERALD. Absolutely. This was an issue when I was in the State senate in every election. Right prior to my going into the State senate, the city of Chicago at that time did not propose expanding O'Hare. They proposed a third airport in the south part of Chicago in the Lake Calumet area. Mayor Daley supported building a third airport at that time, but the Illinois General Assembly did not approve that plan because they favored the site in Peotone.

Since that time, because this third airport would not be within his political jurisdiction, Mayor Daley has fought the south suburban airport and worked toward just expanding O'Hare. That way, in my judgment, it would keep all aviation within the city limits of the city of Chicago.

Mr. McCAIN. Well, is it true that there was a list of proposed airports and airport expansion that had been formulated by the Department of Transportation, and then this proposed Peotone Airport disappeared from that list? Is that correct? Can you illuminate us on what happened there?

Mr. FITZGERALD. Yes. What happened there was that Governor Edgar, who was Governor in the late 1980s and early 1990s, was moving forward with this south suburban airport. When President Clinton took office, at the request of the mayor, the FAA removed the south suburban airport from the so-called NPIAS list, the National Plan for Integrated Airport Systems, for airport improvements. Otherwise, we might have that airport now.

The Chicago airport capacity study of 1986 to 1988 had said we needed the south suburban airport by the year 2000. The city of Chicago blocked that by calling President Clinton and asking him to remove the Peotone project because it was not within the political jurisdiction of the city of Chicago from that planning list.

Aviation capacity around the country and in Chicago would be far greater today if we had that airport up and running. We would not be having this discussion. So this has, indeed, been going on a very long time. I believe, as Governor Edgar did believe, and as did Governor Thompson before him, that we ought to go forward and build that south suburban airport. It is a major issue for Congressman JACKSON.

It is interesting, as a Senator for our whole State, I do not think it is in our interest to concentrate all our economic development within one 7,000-acre spot at O'Hare. I have 2.5 million people who live in the south suburbs of Illinois who have to drive 3, 3½ hours to get up to O'Hare to wait in line because it is too congested.

I would like to, in addition to bringing more aviation capacity, have some economic development in other parts of the State of Illinois besides 7,000 acres at O'Hare. I understand the city would like to retain jurisdiction over

all economic activity in the State of Illinois, but I don't think it is in the interest of my State. I have been working very hard with Congressman JACKSON to, in fact, bring some economic development to areas outside there.

Incidentally, in the northwest suburbs where this is located, they have what they would term too much development. There is so much traffic and congestion that it is difficult to get into O'Hare. If you were to double the number of people going into O'Hare Airport, in my judgment—right now it takes so long to get into O'Hare Airport because these traffic arteries, the northwest tollway, I–90, the Kennedy Expressway, are jammed at all hours of the day practically every day of the week with people going into O'Hare—if we expand O'Hare Airport, already the busiest airport in the country for a long time, by far the busiest airport in the world, we are going to make it almost twice as big.

I don't know where the State of Illinois will get the money to double the size of the roadways going in there because you can't get in there now. There is no possible way that it will be feasible to funnel all the people who would be going into O'Hare under this plan put forward by the city of Chicago.

Mr. MCCAIN. If the Senator will yield for a couple more questions, perhaps you can explain the importance of this NPIAS list. Many of our colleagues who are not on the committee would like to know the significance of that list and whether you have ever heard of an airport project being taken off a list of that importance. And my additional question is, since it seems that one of the arguments against the Durbin amendment that the Senator from Illinois has is that this is being done in a fairly precipitous fashion, has the Illinois State legislature had any input into this? Have they made an agreement? Is there opposition? Is there support?

Also, what is the situation with our friends on the other side of the Capitol in the other body? I think all of our colleagues should know, as the Senator from Texas earlier described—and you did—that this is really the so-called placeholder that will allow in conference, basically, a mandate to start funding a multibillion-dollar project. Although it is wonderful that the mayor and the Governor have been in agreement—and I think that is a remarkable step forward; all of us applaud it—aren't there other significant players here, not only in the State legislature but our colleagues from the other side of the Capitol as well?

My other question is, why would there be a reason for such haste to put something such as this on a Defense appropriations bill?

Mr. FITZGERALD. The Senator brings up many good points. One, you don't have the benefit of the language that they are going to try and put into a conference committee report. I do have a copy. And I have to say, Senator DURBIN was very straightforward in sharing it with me. But for all the other Members of this body, it is phantom language, so-called placeholder language that would be used later to create an opening in parliamentary rules to slip in the real deal, the real backroom deal between George Ryan and Mayor Daley.

The point you made is, that deal has not been shared with you. You have gotten no specifics from Mayor Daley or Governor Ryan.

Interestingly, it is not the Governor who actually has the authority by himself to just decree that a runway plan be done in Illinois under State law. There is, in fact, a permitting process. There are hearings, and these plans are subjected to an adversary proceeding. There is opportunity for controllers and pilots and other interested parties to come and testify. There is a whole permitting process.

We are being asked, in codifying the backroom deal made by two people, just 48 hours ago, to preempt the Illinois Aeronautics Act. We are being asked to do what the Illinois State Senate should be doing. They can take a look at the Illinois Aeronautics Act. I had 6 years in the State Senate. I didn't think when I got to Washington I would be put in the position of debating the sorts of issues they debate in the Illinois State Senate.

The NPIAS list is the national plan for integrated airport improvements around the country. Many airports, most of your small local airports, are on the NPIAS list, and that makes them eligible for grants from the airport improvement fund, the AIP fund. It was a very momentous step when the FAA put the south suburban airport on the NPIAS list about 10 years ago. That plan was moving forward. The State of Illinois Department of Transportation, with the strong backing of local officials and the State, was going forward with the south suburban airport.

The State legislature had rejected plans for an airport in a different location that Mayor Daley had favored. So Peotone was on the NPIAS list. It was eligible for Federal funding, and after it had gone through the planning process, I believe that it would have gotten Federal funding.

But when President Clinton took office, that created an opportunity. The mayor of Chicago obviously was good friends with the President, and they were able to prevail upon the FAA at that time to simply remove Peotone from the NPIAS list and take it off. I think it was probably the only airport, of the 3,000 airports around the country, that has ever been taken off. At that time the FAA said: Well, there wasn't local consensus. So they did not know whether they wanted to go forward. There was local consensus among some, but Mayor Daley, the mayor of the city of Chicago, opposed it.

I have to tell you, there is no local consensus on this plan, this backroom deal, this $13 billion deal that will take money from your States and put it into a plan in my State that I oppose. I oppose it. The State legislature has never supported this deal.

The reason they are coming to you is because they can't get the approval of the State legislature. They didn't even try. You are being asked at 9 o'clock at night, while our country is at war in Afghanistan, on a Defense appropriations bill, to debate this transportation issue. Clearly, I do not think this is the appropriate forum.

I don't think it should be before the Federal Government at all. I think if the mayor wants that plan at O'Hare, he ought to submit a plan to the FAA. He has never even done that.

I applaud many of the things the mayor of the city of Chicago has done. It is a wonderful city. O'Hare is a wonderful airport. It is a great airport.

I want to make it clear, it will have to be modernized sometime. There is a problem that bigger jets can't taxi around at O'Hare. The Boeing 747–400, for example, is so wide that other planes have to get off taxiways when it is taxying around. I think we need to modernize O'Hare. I will be supportive of that. I think a $13 billion project to tear up and rebuild O'Hare is wasteful, however, of the funds that would be applied.

The bottom line is, there may be good arguments, and there are good arguments on both sides of this issue. But they should be presented to the FAA and the State's panel on aviation. The interesting thing is—the Senator from Arizona would be interested in this—we are preempting here the Illinois Aeronautics Act which, in fact, is the act that grants the city of Chicago the right to run an airport. The city of Chicago doesn't have a right, except one deriving from the State government, the Illinois Aeronautics Act, to even operate an airport. We would be asked to obliterate——

Mr. REID. Mr. President, will the Senator yield?

Mr. FITZGERALD. Senator, I wish to go on. I will yield at the end of the evening.

Mr. MCCAIN. The Senator from Illinois has the floor. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. MCCAIN. Will the Senator yield for a further question?

Mr. FITZGERALD. Yes, from the Senator from Arizona.

Mr. MCCAIN. I would ask the Senator if it is not true that there is no legislative approval. The legislature has not been consulted. You were not consulted on this, as I understand it. I am asking if that is true. The congressional delegation was not consulted and the local people have not been consulted. Is it true that only in the last 48 hours this agreement was made, and in only 48 hours we are expected, without a hearing, without any consultation or advice or information provided to the Committee on Commerce, Science, and

Transportation, we are taking on this appropriations bill an issue that entails billions of dollars of Illinois taxpayers' money and billions of dollars of national taxpayers' money? Is it true we are going to try to push this through in order that it can be done on a Defense appropriations bill, I ask my colleague?

Mr. FITZGERALD. The Senator from Arizona is exactly right. We have never been shown any details of this plan. No Member of this body has been shown details of this plan. Senator DURBIN may have some details of which I am not aware. I have not been shown any details. It is a backroom agreement that was reached at about 9 or 10 o'clock in the evening two nights ago, Wednesday night.

Maybe the rush to pass this is because they do not want anybody to know the deals and know the details. Perhaps there is a problem with the details. I think we ought to be very reluctant to codify into Federal law a plan obligating the Federal Government to unspecified expenditures of money in the future without knowing the details when there are questions of safety and when we do not have the expertise in this body to do this. None of us has a background in airport engineering.

Mr. REID. Mr. President, I ask the Senator from Illinois to yield to the Senator from Nevada for a question without his losing the floor.

The PRESIDING OFFICER. Will the Senator yield?

Mr. FITZGERALD. I yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask my friend from Illinois, we have been talking now for quite a few hours—I should say you have been talking. I am wondering if my friend can advise me and the rest of the Senate if he is going to take some more time tonight.

Mr. FITZGERALD. Yes.

Mr. REID. Will the Senator allow me to ask another question through the Chair? I walked by his desk a few times and saw he has a lot of speaking material. It appears the Senator is going to be speaking for an extended period of time; is that a fair statement?

Mr. FITZGERALD. Yes, I have many more charts.

(Laughter.)

Mr. REID. I say to my friend from Illinois, it is 10 after 9, and as the Senator knows, we are trying to complete this most important Defense bill. The fact is, the Senator from Illinois has several more hours of speaking; is that right, if that is necessary?

Mr. FITZGERALD. If necessary.

Mr. REID. I appreciate the Senator yielding. I was just trying to gauge whether or not the Senator was getting tired yet.

(Laughter.)

Mr. FITZGERALD. I am doing OK. Thank you.

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I yield for a question.

Mr. BYRD. Mr. President, will the distinguished Senator yield to this Senator to call up the package that Senator STEVENS, Senator INOUYE, and I have been working on, and present it to the Senate and perhaps have a vote up or down, with the understanding that upon the conclusion of that action, the Senator from Illinois would regain the floor?

Mr. FITZGERALD. I thank the Senator. I have the greatest respect for the Senator from West Virginia. I respect him as much as any of my colleagues, but I must respectfully decline that request. I have to say, as the Senator from West Virginia will recall, when I first came to the Senate, I read his book on the history of the Roman Republic. On my first opportunity to be back in the Illinois State senate and appear before them, I gave as a gift to every State Senator in Illinois a copy of your book.

Mr. BYRD. You did?

Mr. FITZGERALD. I gave them the Senator's admonition that the Senate should never yield too much power to the executive, and that was the decline of the ancient Roman Republic.

Mr. BYRD. I hope the Senator will keep that rule in mind. Let's not give too much power to the executive. If we could present our amendment, let Senators vote on the amendment——

Mr. FITZGERALD. I am afraid——

Mr. REID. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Without losing his right to the floor.

Mr. FITZGERALD. I yield for a question only.

Mr. REID. Will the Senator from Illinois, without losing his right to the floor, yield to his colleague from Illinois for 10 minutes?

Mr. FITZGERALD. No, I am not in a position to do that. I will yield temporarily to the Senator from Illinois with the understanding that when he completes his 10 minutes, automatically the floor reverts to me.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Illinois is yielding time to his colleague from Illinois without losing his right to the floor.

AMENDMENT NO. 2343, WITHDRAWN

Mr. DURBIN. I thank the Chair. Mr. President, I thank my colleagues from Illinois and Nevada for this opportunity.

When we were preparing for this debate, it was very important to me we keep it in the context of the bill that was being amended. I cannot think of more important legislation facing our Nation than the passage of the Defense appropriations bill at a time when America is at war.

Before I prepared the amendment which is before the Senate, I received assurances that we would not face a filibuster. I received assurances that we would not face what we have seen this evening. I was told there would be an up-or-down vote, and I was prepared to accept the outcome of that vote. Something has changed. As a result of that change, the Senate has been here for 3 hours. The most important appropriations bill we can consider has been stalled and slowed down.

I feel very strongly about this issue, but I also feel very strongly about our responsibility in the Senate. I am prepared to save this battle for another day because I do not want to diminish the ability of this Nation in its war against terrorism or diminish in any way the resources available to the men and women in uniform. I do not know when that day will come. I hope it will be soon for the sake of my State that we will consider this important legislation for our airport, for our aviation needs in our State.

I express my apologies to the Senate. I never believed for a moment that we would face a filibuster over this. In fact, I received assurances otherwise. That is not the case. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn. The Senator from Illinois still has the floor.

Mr. FITZGERALD. Mr. President, I thank my colleague from Illinois for withdrawing the amendment. I say to him that I do not think I made clear exactly how I would respond. I did say that I was willing to take an up-or-down vote, and perhaps we may yet have an up-or-down vote on this issue before the Senate. I do not believe I made those representations.

I do appreciate my friendship with Senator DURBIN. I hope there are not many more issues that we disagree with amongst ourselves with respect to our State.

In many cases, we have been able to have a great impact for the people of Illinois, and we will continue to do that. We have a difference of opinion on this issue. It has been tough for both of us because normally we work together and do not have differences of opinions on major issues such as this. So I appreciate Senator DURBIN's withdrawal of the amendment, and I look forward to continuing to work with him on this and other issues in the Senate.

I do think it was important for the Nation and the Senate to be educated on this issue because aviation in the heartland does affect all of us, and Senator DURBIN is certainly right on that. I believe this was a very important discussion, both for the citizens of Illinois and also for the citizens around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Senator STEVENS, Senator INOUYE, and I have worked during the afternoon with our staffs to bring to the Senate an amendment which would provide for the carrying out of the purposes that I announced earlier when I presented the

amendment which was brought down by the failure of the Senate to waive a point of order.

We have drawn up an amendment which stays within the $40 billion which was voted by Congress 3 days after the attack.

A point of order was made against the amendment I had offered. I sought to waive the point of order, and it was the Senate's judgment the motion to waive not be adopted. Consequently, what is left before the Senate now is the House bill. So in an effort to move ahead with something for homeland security and in the attempt to at least try to do something on all three of our original purposes—namely, fund adequately defense appropriations, live up to our agreement to New York as much as we can under the circumstances, and to provide a homeland defense bill, which while not going as far as we had earlier hoped, at least does something for the cities and rural areas of this country—Senator STEVENS, Senator INOUYE, and I are proposing the following amendment. It is the Byrd/Stevens/Inouye amendment to Defense appropriations.

We are living within the $40 billion structure we have already voted on several weeks ago. The amendment allocates $20 billion. It was according to the law we passed that the Appropriations Committee would pass upon the final $20 billion of that $40 billion, and this is the final bill. We are attempting to follow the law in that respect and provide in this bill how that money should be allocated.

The amendment allocates $20 billion as follows: Defense, $2 billion; New York, New Jersey, the District of Columbia, Maryland, and Virginia, all coming under the rubric of New York as a designation, $9.5 billion; homeland defense, $8.5 billion.

When combined with the $20 billion allocated by the President, the amendment results in the following allocation of the $40 billion approved: Homeland defense, $10.1 billion; foreign aid allocated by the President, $1.5 billion.

Highlights of the $20 billion are these: New York and other communities directly impacted by the September 11 attacks, $9.5 billion, and the examples follow. FEMA disaster relief, which funds debris removal at the World Trade Center site, repair of public infrastructure such as the damaged subway, the damaged PATH commuter train, all government offices, and provides assistance to individuals for housing, burial expenses, and relocation assistance, receives $5.82 billion.

Secondly, community development block grants, $2 billion to help New York restore its economy; Amtrak security, $100 million for security in Amtrak tunnels; mass transit security, funding of $100 million for improving security in the New York and New Jersey subways; New York-New Jersey ferry improvements, $100 million; hospital reimbursement, $140 million to reimburse the hospitals in New York that provided critical care on September 11, and the weeks and months that followed.

Workers compensation job training, $175 million that would help New York to process workers compensation claims for the victims of the September 11 attacks. Fifty-eight million dollars is provided for job training, environmental health, and other programs; Federal facilities, $200 million for the costs of keeping Federal agencies operating that were in the World Trade Center, such as the Social Security Administration, the Occupational Safety and Health Administration, the Pension and Welfare Benefits Administration, the Commodity Futures and Trading Commission, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms, the Securities and Exchange Commission, the EEOC, the General Services Administration, and the National Labor Relations Board.

Emergency highway repairs, $85 million for damaged roads in New York City; mental health services for children, $10 million that would help New York schools to provide mental health services to the children of the victims of the World Trade Center bombing; law enforcement reimbursement, $220 million for New Jersey, Maryland, and Virginia to reimburse for the costs of law enforcement and fire personnel for costs incurred on September 11 and the weeks that followed; $68 million to provide for the crime victims fund; District of Columbia, $200 million for the District and for Washington Metro for improved security; small business disaster loans, $150 million; national monument security, $86 million for improved security at national parks and monuments such as the Statue of Liberty, the Washington Monument, the Smithsonian, Kennedy Center, and other facilities. For the Department of Defense, $2 billion including funding to repair the Pentagon; bioterrorism/food safety, $3.1 billion, including $525 million for food security; provides $1.1 billion for upgrading our State and local public health and hospital infrastructure.

Recent events have made it clear our State and local public health departments have been allowed to deteriorate.

The head of the CDC testified only last week that at least $1 billion is needed immediately to begin to upgrade our State and local health departments. Our package would provide $165 million for the CDC capacity improvements. It would provide $205 million for security improvements and research at the CDC and the NIH. It would provide $593 million for the national pharmaceutical stockpile. It would provide $512 million to contracts for smallpox vaccine to protect all Americans. The USDA Office of the Secretary would receive $81 million for enhanced facility security and operational security at USDA locations. The Agriculture Research Service would receive $70 million for enhanced facility security and for research in the areas of food safety and bioterrorism. The Agriculture Research Service buildings and facilities would receive $73 million for facility enhancement at Plum Island, NY, and Ames, IA, which includes funding necessary to complete construction on a biocontainment facility at the National Animal Disease Laboratory at Ames, IA.

The Cooperative State Research, Education and Extension Service would receive $50 million for enhanced facility security at land grant university research locations and for research into areas of food safety and bioterrorism. The Animal and Plant Health Inspection Service buildings and facilities would receive $109 million for enhanced facility security, for support of border inspections, for pest detection activities, and for other areas related to biosecurity and for relocation of the facility at the National Animal Disease Laboratory.

Next is $15 million provided to the Food Safety Inspection Service for enhanced operational security and for implementation of the food safety bioterrorism protection program; $127 million would be provided to the Food and Drug Administration for food safety and counterbioterrorism, including support of additional food security inspections, expedited review of drugs, vaccines and diagnostic tests, and for enhanced physical and operational security.

As to State and local law enforcement, the amendment would provide $400 million. The amendment would also provide $290 million for FEMA firefighters to improve State and local government capacity to respond to terrorist attacks.

The amendment would provide $600 million to the Postal Service to provide equipment to cope with biological and chemical threats such as anthrax.

For Federal Antiterrorism Law Enforcement, the amendment would provide $1.7 billion to be used as follows: $614 million for the FBI; $61 million for U.S. Marshals; $100 million for cybersecurity; $23 million for the Federal Law Enforcement Training Center for training new law enforcement personnel; $21 million for the Bureau of Alcohol, Tobacco and Firearms; $124 million for overtime and expanded aviation and border support for the Customs Service; $73 million for the Secret Service; $273 million for increased Coast Guard surveillance; $95 million for Federal courts security; $84 million for Justice Department legal activity; $68 million for the crime victims fund; $83 million for EPA for anthrax cleanup costs and drinking water vulnerability assessments; $38 million for EPA for bioterrorism response teams and EPA laboratory security; $20 million for the FEMA Office of National Preparedness.

Now, for the airport transit security, there would be $530 million, including $200 million for airport improvement grants; $251 million for FAA operations

for cockpit security; $50 million for FAA research to expedite deployment of new aviation security technology; $23 million for transit security; $6 million for transportation security.

Now, as to port security improvements, there will be $50 million which would be broken down as follows: Coast Guard, $12 million; Maritime Administration, $23 million; and Customs, $15 million.

Finally, for nuclear powerplant, lab, Federal facility improvements, there would be $775 million. There would be $140 million for energy for enhanced security at U.S. nuclear weapons plants and laboratories. There would be $139 million for the Corps of Engineers to provide enhanced security at 300 critical dams, drinking water reservoirs and navigation facilities; $30 million for the Bureau of Reclamation for similar purposes; $36 million for Nuclear Regulatory Commission to enhance security at commercial nuclear reactors; $50 million for security at the White House; $31 million for GSA and the Archives to improve Federal building security; $93 million for NASA for security upgrades at the Kennedy, Johnson, and other space centers; $256 million for improved security for the legislative branch.

For nuclear nonproliferation, there would be $226 million for the safeguarding and acquisition of Russian and former Soviet Union fissile nuclear materials and to help transition and retrain Russian nuclear scientists.

Finally, for border security, there would be $709 million of which $160 million would be for Customs for increased inspectors on the border and for the construction of border facilities and there would be $549 million for the Immigration and Naturalization Service.

These are the breakdowns of the moneys that would be included in this amendment if agreed to by the Senate. At some point I will ask unanimous consent that the substitute be agreed to and considered as original text for the purpose of further amendment, and that no points of order be waived.

I yield the floor.

Mr. STEVENS. The Senator has not made that unanimous consent request yet, but I do believe I will support that unanimous consent request. I want the Senate to know that the Senator and Senator INOUYE and I have conferred about the allocation of $20 billion, and while I regret we reduced defense in this allocation to $20 billion, I point out to the Senate that this year we have provided $317 billion in the Defense bill in section (a) of this substitute. We have added the $15.3 billion here in this allocation of the moneys from the $15.7 from the $40 billion. There has been a total of over a $42 billion increase in defense spending from the beginning of this year to now. I do believe there is sufficient money to carry us through until the President may make a request.

Again, I point out to the Senate that the law we passed on September 18 does require the President shall submit to the Congress as soon as practical detailed requests to meet any further funding requirements for the purposes specified in this act.

I also call the Senate's attention once more, there were five purposes outlined in the act: First, providing State, Federal-State, and local preparedness for mitigating and responding to the attacks; second, providing support to counterinvestigate and prosecute international terrorism; third, providing increased transportation security; fourth, repairing public facilities and transportation systems damaged by attacks; and five, supporting national security.

All these funds may be delivered for any authorized Government activity to meet those purposes.

This presentation tonight by Senator BYRD meets those requirements. All of the money is transferred to a Federal system under an authorized program, and all are within the five stated purposes that the Congress used in providing the $40 billion in September.

We all differ some in terms of our priorities. In the final analysis, the priorities for this $20 billion will be decided in conference. I have assured Senator BYRD that I will cosponsor this substitute and fight for its approval in the conference. I fully expect there will be some changes in the conference with the House in terms of the allocation of this money. I am confident we will be hearing from the administration in the meantime.

I take the floor to urge the Senate to approve the amendment and to allow the Senator's request to be granted. He has, in fact, now offered and asked for a unanimous consent, but we jointly are offering this as original text to replace the Senate substitute that was reported from the appropriations committee. It will be open to further amendment, as I understand, on all parts of the bill.

It is my hope that we would close their section B soon, because I think this allocation, as I said, will primarily absolutely be done in the final analysis insofar as the $20 billion in conference. And we could argue here all night about where the money would go.

We met the President's request to limit that amount to $20 billion. I think that is where we should stop.

I yield the floor.

Does the Senator from West Virginia wish to renew his request?

AMENDMENT NO. 2348

Mr. BYRD. Mr. President, if the Senator will yield to me for that purpose, I ask unanimous consent that the substitute be agreed to, that it be considered as original text for the purpose of further amendment, and that no points of order be waived.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. INOUYE, and Mr. STEVENS proposes an amendment numbered 2348.

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

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

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

The amendment (No. 2348) was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I raise a point of order that section 8132 of the pending amendment constitutes legislation on appropriations and violates rule XVI of the standing rules of the Senate.

Mr. INOUYE. Mr. President, may 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. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I wonder if we might be able to temporarily lay aside this point of order so the Senate could proceed with an amendment by Mr. FEINGOLD, have the debate on that, and then return to the point of order by Mr. GRAMM.

Mr. STEVENS. Could we get a time agreement on that amendment?

Mr. BYRD. Could we get a time agreement?

Mr. FEINGOLD. Sure.

Mr. MCCAIN. I reserve the right to object. I do believe we have an agreement on a proposal by Senator GRAMM. I would like to dispense with that if the Senator from Alaska is ready and the Senator from West Virginia is ready to do that.

Mr. REID. If the Senator from Arizona will yield, or whoever has the floor will yield briefly, we are waiting for another Senator to come to the Chamber.

Mr. MCCAIN. I remove my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. And I certainly thank the Senator from West Virginia.

AMENDMENT NO. 2349

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

Mr. REID. Will the Senator from Wisconsin answer a question?

Mr. FEINGOLD. The Senator yields for a question.

Mr. REID. The Senator from Alaska asked if the Senator from Wisconsin would agree to a time limit.

Mr. FEINGOLD. I agree to a 10-minute limit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I would just say, of course, that all points of order and stuff would still be available.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BAUCUS, and Mr. HELMS, proposes an amendment numbered 2349.

Mr. FEINGOLD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2002)

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

Mr. FEINGOLD. Mr. President, my amendment is very straightforward. It would eliminate the $4,900 pay raise scheduled to go into effect in just a few weeks for Members of Congress. And I am very pleased to be joined in this effort by the senior Senator from Montana, Mr. BAUCUS, and the senior Senator from North Carolina, Mr. HELMS. Our economy is in a recession and hundreds of thousands of workers have been laid off. Many families face enormous financial pressures.

Shortly, we will debate how best to address this problem, and central for me in that debate is how to produce a short-term economic boost without undermining our long-term economic and budget position. The budget surpluses that were projected last spring have proved to be as illusory as many of us feared. The supplemental spending passed in the spring, along with the irresponsible tax cut passed this summer left us on the brink. The economic slowdown pushed us over the edge. So, when it came time to respond to the horrific events of September 11, we were forced to return to deficit spending.

We have spent all of the on-budget surplus, and are well into the surplus that represents Social Security Trust Fund balances. That is something that has only been done to meet the most critical national prorities. A $4,900 pay raise for Members is not a critical national priority.

As I said when I last brought this amendment to the floor, I think the idea of an automatic congressional pay raise is never appropriate. It is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constitutents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the RECORD.

As I noted during the debate of the Foreign Operations Appropriations measure, a number of my colleagues have approached me about this pay raise in the past few weeks, and some have indicated they support the pay raise. In fact, one of my colleagues said they would offer an amendment that actually increased the scheduled $4,900 pay raise because they felt it was too low. I strongly disagree with that position, but I certainly respect those who hold that position. But whatever one's position on the pay raise, I do think, the Senate ought to be on record on the matter if it is to go into effect.

The current pay raise system allows a pay raise without any recorded vote. Even those who support a pay raise should be willing to insist that Members go on record on this issue. I think this process of stealth pay raises has to end, and I have introduced legislation to stop this practice. But the amendment I offer today does not go that far. All it does is simply stop the $4,900 pay raise that is scheduled to go into effect in January.

When I offered this amendment to the Foreign Operations appropriations bill several weeks ago, a point of order was raised against it as not being germane to that bill. Let me say here that unlike that bill, the measure before us today has already raised the issue of a pay increase in the legislative branch in Section 810 of the House-passed bill. So this amendment is plainly germane to the bill before us.

It is possible—in fact, obviously likely—that a Senator may raise a point of order against this amendment, and maybe some people will try to hide behind the procedural vote that would result. But make no mistake, the vote in relation to this amendment will be the vote on the congressional pay raise.

Just a few weeks ago, Iowa's State employees voted to delay their own cost-of-living adjustment in order to help that State cope with its budget problems. Members of the Florida house voted to eliminate the cost-of-living pay increase they got on July 1 to help meet that State's budget get through a softening economy, and South Carolina's Governor Jim Hodges is taking a $4,000 pay cut as part of his efforts to keep this State's budget in balance.

I hope my colleagues will follow the examples set by Iowa's State employees, the Florida house, and Governor Hodges. Given all that has happened, all that will happen, and the sacrifices that will be asked of all Americans, this isn't time for Congress to accept a $4,900 pay raise. Let's stop this backdoor pay raise, and then let's enact legislation to end this practice once and for all.

Right this minute, our Nation is sending the men and women of our Armed Services into harm's way. I do not think it is the time for Congress to accept a pay raise. Let's stop this backdoor pay raise, and then let's enact legislation to end this practice once and for all.

Mr. President, at this point I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FEINGOLD. Mr. President, 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 the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The sponsor's time has expired.

Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, as the former chairman and now ranking member of the Appropriations Subcommittee on Treasury and General Government, I would like to make a few observations on this amendment and tell my colleagues at the outset that my comments are not designed to bring into question the motives of any Senator who votes for the amendment. But there is an old adage: If the shoe fits, wear it.

We have had to wrestle with some pretty important issues since September 11. During that time, I think Members of this body have displayed a great deal of courage. And their constituents certainly have the right to expect that kind of courage. But that is the way it should be.

Neither bombs nor fires, terrorists nor wars have been able to shake our resolve, but the mention of a pay raise somehow makes a lot of Senators' courage melt like snowballs in summer, and that iron will begins to make them shake in their boots.

Some Senators may honestly believe we should not receive a pay raise at any cost. Some, in fact, think we should be working here for nothing. Some maybe just don't think they are worth the salary. But I tell you, there is an old saying that has developed over the years, and I would like to invite our constituents and the press to explore the actions of a Member who falls into the definition of what has been called: ''Vote no, but take the dough.'' That phrase is a pretty good description of politicians who want the money but do not want the heat of voter displeasure, even though setting our own salaries is a constitutional requirement.

I have voted a number of times on pay raises—sometimes for, sometimes against. Every time I voted against them, and they passed, I donated those

pay raises to charity. I could not, in good conscience, keep the money if I would not support it with my vote. I gave a total of five $1,000 scholarships and gave other money to a homeless shelter. At no time when I voted against it did I keep it. I know there are a number of other Members who have done the same thing. But those times I thought the increase was warranted, I voted for it, and I kept it and I justified it, as many other Members have also done. I think I can justify it this time, too.

With the tragedies at the Pentagon and the World Trade Center still fresh in our minds, I would recommend to those who oppose a cost-of-living increase and, therefore do not want the COLA, to donate it to a charity involved in the aftermath of September 11, if they really truly believe they don't deserve it.

If they are that guilt ridden, they can, in fact, simply return it back to the Federal Treasury. There is no law that prevents them from doing that.

Every Member has to live with his own conscience and decisions, but there certainly are Members who fall into that category ''vote no and take the dough.'' In the past, in fact, some have come to the floor to emphatically denounce the increase while letting other Members shoulder the burden to pass the bill and they quietly pocket the money and sneak off in the night hoping nobody will notice that their outrage does not jibe with their actions.

We have been here 16 hours—at least I have, since 6 o'clock this morning—with no end in sight, with important amendments with which we have yet to deal. This bill simply is the wrong vehicle for this amendment. It should have been offered on the Treasury-Postal-general government bill. It was not.

To make matters worse, many of the very people who speak out against this COLA have asked money to be earmarked in that bill where this should have been addressed. It is automatic, as all of our Members know. I would also remind the Members that the Treasury-Postal-general government bill has all the courthouse construction money, the Federal courts money, the money to fight the war on drugs, security money for the Olympics, other things in it that make it a very important bill.

To try to amend this bill, the Department of Defense supplemental, with a decision for Members after it has already been approved in the Treasury-general government bill, is not a good policy and opens a Pandora's box of other amendments that have already been settled in the other eight bills that have passed both the House and Senate, and conference committees, too. If the opponents of the COLA don't like it, they should have offered an amendment to delete it when our bill, the Treasury-general government bill, was on the floor. They had ample opportunity when Chairman DORGAN and I were pleading with Members to come to the floor and offer amendments.

This amendment may be great theater, but one thing is clear, it is not an automatic ticket to reelection. Self-flagellation never is.

As I have already stated, I don't question the motives of any Member on how they vote. But I would invite our constituents to look into the Member's past votes on this issue and see what they did with the money the last time, if they voted against it. I believe their constituents would like to know if they were driven by a deeply held belief about self-worth or if they were in the category of ''vote no and take the dough.''

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Nevada.

Mr. REID. Mr. President, I raise a point of order that the amendment is not germane.

Mr. FEINGOLD. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I would like to amend my point of order. I failed to mention it was also legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair understands that the point of order is that it is legislation on an appropriations bill. The defense of germaneness has been raised.

Mr. FEINGOLD. I raise the defense of germaneness and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Is the amendment germane? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''no.''

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

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

The yeas and nays resulted—yeas 33, nays 65, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—33

Allard	Enzi	Roberts
Baucus	Feingold	Schumer
Brownback	Fitzgerald	Sessions
Bunning	Grassley	Smith (NH)
Carnahan	Hutchinson	Smith (OR)
Cleland	Hutchison	Snowe
Collins	Johnson	Specter
Corzine	Levin	Stabenow
DeWine	Lincoln	Wellstone
Durbin	McCain	Wyden
Edwards	Miller	
Ensign	Reid	

NAYS—65

Akaka	Dodd	Lugar
Allen	Domenici	McConnell
Bayh	Dorgan	Mikulski
Bennett	Feinstein	Murkowski
Biden	Frist	Murray
Bingaman	Graham	Nelson (NE)
Bond	Gramm	Nelson (FL)
Boxer	Gregg	Nickles
Breaux	Hagel	Reed
Burns	Harkin	Reid
Byrd	Hatch	Rockefeller
Campbell	Hollings	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Shelby
Chafee	Kennedy	Stevens
Clinton	Kerry	Thomas
Cochran	Kohl	Thompson
Conrad	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Lieberman	Warner
Dayton	Lott	

NOT VOTING—2

Helms	Jeffords

The PRESIDING OFFICER. On this vote, the ayes are 33, the nays are 65. The amendment is not germane, and it falls for that reason.

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I ask unanimous consent that section 8132 on page 117 of the substitute amendment be stricken.

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

AMENDMENT NO. 2352

Mr. STEVENS. Mr. President, I have at the desk an amendment numbered 2352 which I call up on behalf of Senator MCCAIN and Senator GRAMM.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REID and Mr. GRAMM, proposes an amendment numbered 2352.

(Purpose: To provide the President the authority to increase national security and save lives)

Section 8628(f), insert the following:

(g) Notwithstanding any other provision of this act or any other provision of law, the President shall have the sole authority to reprogram, for any other defense purpose, the funds authorized by this section if he determines that doing so will increase national security or save lives.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment as written speaks for itself. I thank the Senator from Alaska and the Senator from West Virginia for agreeing to it. This resolves a great concern that many Members had concerning the issue of the tanker aircraft.

I thank the Senator from Alaska.

Mr. STEVENS. I yield back any remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2352.

The amendment (No. 2352) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2553

Mr. BOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. CARNAHAN, proposes an amendment numbered 2553.

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

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF CONGRESS

It is the sense of Congress that the military aircraft industrial base of the United States be preserved. In order to ensure this we must retain—

(1) Adequate competition in the design, engineering, production, sale and support of military aircraft;

(2) Continued innovation in the development and manufacture of military aircraft;

(3) Actual and future capability of more than one aircraft company to design, engineer, produce and support military aircraft.

SEC. 2. STUDY OF IMPACT ON THE INDUSTRIAL BASE.

In order to determine the current and future adequacy of the military aircraft industrial base a study shall be conducted. Of the funds made available under the heading ''Procurement, Defense-Wide'' in this Act, up to $1,500,000 may be made available for a comprehensive analysis of and report on the risks to innovation and cost of limited or no competition in contracting for military aircraft and related weapon systems for the Department of Defense, including the cost of contracting where there is no more than one primary manufacturer with the capacity to bid for and build military aircraft and related weapon systems, the impact of any limited competition in primary contracting on innovation in the design, development, and construction of military aircraft and related weapon systems, the impact of limited competition in primary contracting on the current and future capacity of manufacturers to design, engineer and build military aircraft and weapon systems. The Secretary of Defense shall report to the House and Senate Committees on Appropriations on the design of this analysis, and shall submit a report to these committees no later than 6 months from the date of enactment of this Act.

Mr. BOND. Mr. President, I again express my sincere thanks to Senator INOUYE and Senator STEVENS for the very effective way they brought together a very important bill in these difficult times.

Mr. President, I rise today to discuss the future of our national security as it pertains to U.S. air superiority—the key to ensuring victory in modern war, and to propose an amendment requesting a study of our current and future tactical and military aircraft industrial base.

The recent Joint Strike Fighter competition was a tough fight between two well matched and seasoned competitors, Lockheed Martin and Boeing. The next generation of Air Force, Navy and Marine fighter pilots will benefit from this fierce competition. But the Defense Department's long term acquisition strategy has revealed a potential and troubling weakness in the future health of our tactical and military aircraft industrial base.

I have long maintained that no matter which company won this contract, the only way to guarantee our national security over the long haul is to maintain the robust aircraft industrial base that preserves innovation and competition which are critical to the development and success of future tactical and military aircraft programs.

When the Joint Strike Fighter competition was announced, I stated my strongly held view and supposition that the award would be split so that the loser of the competition would remain in business.

Maintaining a robust industrial base is not about Boeing or Lockheed Martin or any one commercial enterprise but what is best for our Nation. I have said for years that, since the cold war's end, we have funded and structured our military on a minimum to get by. And that is wrong. Investing the future of American air superiority, or any other critical defense program, in one company is a risky proposition. The weakened industrial base that results adversely impacts the kind of surge production capability this Nation may need someday to offset unforeseen attrition in our aircraft force structure.

The Department of Defense has stated that with regards to the Joint Strike Fighter it will maintain a ''winner-take-all'' strategy. By their our account the winner will be the only U.S. producer of tactical fighter aircraft after F–22 and F/A–18 E/F production ceases.

As recently as April of last year, the Honorable Jacques S. Gansler in a statement provided to the Senate Armed Services Committee on defense industrial base considerations said:

Today, there exist two or three major (robust and technologically superior) firms in each critical area of defense needs. However, with the potential to go even below that number in the future, we are in danger of losing our greatest weapon in containing costs and insuring rapid innovation; namely, competition.

DoD's determination to maintain the ''winner-take-all'' strategy, even in light of their assessment that we will be left with one tactical fighter aircraft producer, deserves a thorough and exhaustive review. A number of broad questions present themselves that must be answered.

Will the U.S. Government be able to ensure sufficient expertise exists in the long term so we can preserve a competitive and innovative industrial base in the design, production, and support of tactical and military aircraft?

Will the Joint Strike Fighter be the last manned tactical fixed-wing fighter as asserted by Undersecretary of Defense E.C. Aldridge in a letter to Senator LEVIN? And does the ability to bid on unmanned combat or surveillance aircraft, as asserted by Under Secretary Aldridge, provide ample opportunity for a tactical aircraft manufacturer to retain a robust design, production and support team?

Can an aerospace manufacturer reconstitute a tactical and/or military capability once it is lost, and when the barrier to re-entry become too high?

Does this Nation's national security interests outweigh the economic benefits to any one company? And will our national security be affected if we cannot continue to ensure a high level of innovation and competitiveness in the development and production of tactical and military aircraft?

This includes the presence, or lack of, a robust surge capacity in the event our nation faces high attrition rates with its tactical aircraft force structure.

The Department of Defense commissioned a RAND study to examine both near-term and long-term competition options within the Joint Strike Fighter program. The study concluded that the additional costs of split production, estimated to range from $.5 to $1 billion, would not be recouped over the life of the program, currently expected to extend through the year 2040. But does the nation's national security take priority when added costs are less than $1 billion over the life of a 40 plus year program (a cost of less than $25 million per year to preserve more than one source for our fighter aircraft)?

A Wall St. Journal article published on Oct. 18, 2001, discusses the stinging defeat handed to General Dynamics in their takeover bid of Newport News Shipbuilding, Inc., when the Justice Department filed an anti-trust suit in federal district court seeking to block the proposed acquisition on the grounds it would eliminate competition in the market for nuclear submarines. The article states:

The critical issue in the review process was whether a combination of General Dynamics with Newport News would eliminate competition in the market for naval submarines and whether the loss of that competition would hurt innovation.

Comments made by the Under Secretary of Defense for Acquisition, Technology and Logistics, the Honorable ''Pete'' Aldridge, in a letter to my distinguished colleague Senator Carl Levin, and at a Press Conference announcing the JSF winner, make it clear that not only is DoD going to pursue the winner-take-all strategy

but that they are taking a ''hands off'' approach to any potential teaming effort between Lockheed Martin—with its coalition of manufacturers—and Boeing. This puts the responsibility and weight of the health of our future industrial base in the hands of a commercial enterprise, and not the administration or the Congress. This is not a wise policy and it justifiably applies to all aspects of our critical needs military industrial base.

Finally, on Oct. 23, 2001, the Department of Justice announced they were filing suit to block General Dynamics' purchase of Newport News Shipbuilding. In the body of their press release the Department of Justice states: Our armed forces need the most innovative and highest quality products to protect our country. This merger-to-monopoly would reduce innovation and, ultimately, the quality of the products supplied to the military, while raising prices to the U.S. military and to U.S. taxpayers.

The Fiscal Year 2001 Defense Appropriations Bill in discussing the Joint Strike Fighter program on page 117 of the report contains the following language: The Committee believes that industrial base concerns can best be addressed AFTER the source selection decision. While the future industrial base may be a concern, DoD can be partner in discussion to address these concerns as companies work on viable teaming or work sharing agreements.

As I have noted, it is clear that DoD will not be a partner in any teaming arrangements so it is up to the Congress to act. In order to do so we must acquire a body of data on our tactical aircraft industrial base. And determine if this base will provide sufficient ''innovation AND competition'' in the years after only one company remains to build follow-on aircraft to those currently in production or in development.

My amendment specifically asks that the Secretary of Defense conduct the study. I will furthermore recommend that Secretary Rumsfeld select RAND Corporation to perform the study. Why RAND? They are already familiar with the Joint Strike Fighter program, having conducted the DoD study that examined the near and long term competition options. The Department of Defense should have no difficulty working with RAND, and in providing them the data they need to do a thorough study of the impact to the industrial base of DoD's acquisition strategy.

In summary, my amendment calls for a study of the costs, risks, and implications to national security of vesting all our tactical aircraft expertise in one prime contractor. The simple fact is that we, as a nation, do not know the risks, costs and implications of this move. We do know intuitively that the loss of competition and innovation can have a disastrous impact on the nation's ability to field future state of the art weapons programs.

The Defense Department has never studied this issue even though they acknowledge that the continuing shrinkage of our industrial base is cause for concern. It has never examined the risks or the national security implications. The DoD study regarding the JSF program looked exclusively at the financial costs of keeping two production lines to build Joint Strike Fighter aircraft.

That study concluded that there is an additional financial cost associated with two JSF production lines. But what the study failed to examine was the national security risks associated with vesting the future of American air superiority into the hands of a single company.

We must not allow our industrial base to shrink down to one company in any critical needs area without close examination and an understanding of the risks and implications. The stakes are too large.

We do not—we cannot—know what the future holds for this country 20, 30 or 40 years hence. We learned on September 11 that there are heavy penalties for misjudging unforeseen risks. We cannot afford a similar mistake when it comes to the health of our industrial base and the men and women responsible for flying into harms way. We cannot go down the road to one company blindly.

As my amendment clearly states: We must retain adequate competition in the design, engineering, production, sale and support of military aircraft; We must retain continued innovation in the development and manufacture of military aircraft; and We must retain the actual and future capability of more than ''one'' aircraft company to design, engineer, produce and support military aircraft.

This study will help to arm us with the knowledge Congress and the President need to make a wise decision. We need the results of this study. And I urge my colleagues to join me in supporting this amendment.

I ask my colleagues to support this amendment.

Mrs. CARNAHAN. Mr. President, I am pleased to support the amendment proposed by my friend and colleague from Missouri. Senator BOND's legislation requires the Defense Department to report to Congress on the future of the tactical aircraft industry.

This is an important piece of legislation. It will allow the Pentagon to examine the long term impact of the largest contract award in world history on October 26 of this year, the Defense Department awarded the Joint Strike Fighter contract exclusively to the Lockheed Martin JSF team. Senator BOND and I are concerned that this decision might put America's tactical aircraft industry in jeopardy, and set a bad precedent for other defense contracts. The JSF program is the largest defense contract in history. It is the only fighter jet contract planned in the next 30 years.

Up until October 26th, Boeing and Lockheed remained America's only major contractors in the tactical aircraft industry. Now, if the Lockheed team performs the entire contract, Boeing would likely be forced out of the fighter jet business. Competition in the industry would be eliminated. Future innovation would be stifled. Costs would rise. Our national security would be put at risk. The preeminent military power in the world cannot have just one company building fighter jets. That would be unacceptable to me and many members in our defense community.

Just 3 years ago, the Defense Department blocked the largest merger in defense industry history due to concerns that the merger would stifle innovation and reduce competition in key aspects of defense production. It cannot now stand idly by and allow the elimination of competition for fighter jets.

When the Joint Strike Fighter award was announced last month, many of us in the Missouri delegation made it clear that we believe it is imperative for Boeing to play a role in the production of this aircraft. Now we are proposing a study to examine the consequences if we should fail to secure a major role for Boeing in this important program.

Senator BOND has posed some pertinent questions today. I hope this body will support a study that simply seeks to answer these questions. Above all, we must examine how the U.S. Government will be able to preserve sufficient expertise in this industry, if Boeing is driven out of the tactical aircraft business.

When the JSF award was announced, the Defense Department issued a statement that said that the Pentagon would encourage Lockheed and Boeing to work together on this program. A Department of Defense press release stated on October 26 that, and I quote,

> The expertise resident in the teams not selected today can still make a contribution to the JSF effort through revised industrial teaming arrangements. DOD will encourage teaming arrangements that make the most efficient use of the expertise in the industrial base to deliver the 'best value' product.''

I fully agree with this statement. I expect the Department of Defense to follow through on its commitment to encourage teaming between Lockheed Martin and Boeing. Boeing should be a major partner in this project. Boeing and Lockheed Martin executives are currently engaged in negotiations on this very subject. I believe that Boeing has a strong case for why it should play a major role in this critical program.

Boeing and its predecessor McDonnell-Douglas have a long history of delivery top-quality airplanes to militaries around the globe. Its award-winning management team has built a solid reputation for meeting production deadlines. Boeing makes some of the most affordable aircraft in the world. Boeing's workforce has a unique expertise. Boeing remains the world leader in developing short take-off

fighters for the Marines. Boeing also produces for the Navy the foremost jet fighter for aircraft carrier operations.

Lockheed Martin could use Boeing's vast experience in building these aircraft. Lockheed Martin executives should bear this in mind during their discussions with Boeing. I believe that the next generation of tactical jets must be built by an experienced team.

This team should include Boeing Managers, engineers and technicians, who have helped build the Navy's F/A–18 Super Hornets as well as the Marine Corps' AV–8B Harriers. Lockheed should keep in mind the concerns of the Pentagon, and Democratic and Republican leaders alike. Lockheed's discussion with Boeing will have some serious long-term effects. With only major companies in the tactical aircraft industry, Lockheed's decisions will directly impact the industrial base of the Nation's fighter business.

Let there be no mistake. My colleagues and I in the Missouri delegation will not rest until we are assured that Boeing's role in the tactical aircraft business is secure. Senator BOND and I are united in our determination to pursue every avenue, in the Armed Services Committee and the Appropriations Committee, to ensure that the industrial base of this critical industry is preserved.

Our colleagues in the House, including the Democratic leader, the majority deputy whip, and the ranking member of the Armed Services Committee, and committed to this effort. Today, we must take this first step. We must examine the consequences of the JSF contact award, and ensure that the future of America's tactical aircrafts remains secure.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, Senator STEVENS and I commend the Senator from Missouri for his amendment. We are pleased to accept it. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2353) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2354

Mr. BOND. Mr. President, I send another amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2354.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers)

At the appropriate place, insert:

SEC. ____. (a) The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) In this section:

(1) The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(3) The term ''covered transaction'' means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) If an eligible employee is a covered employee of an air carrier involved in a covered transaction that leads to the combination of crafts or classes that are subject to the Railway Labor Act, the eligible employee may receive assistance under this title only if the parties to the transaction—

(1) apply sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) to the covered employees of the air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, apply the terms of the collective bargaining agreement to the covered employees, and do not abrogate the terms of the agreement.

(d) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

Mr. BOND. Mr. President, this amendment reflects a bill previously entered with my colleague, Senator CARNAHAN, and other Senators. I ask they be given an opportunity to add themselves as cosponsors to this amendment.

This arises out of the attacks of September 11. It helps solve a serious problem in the airline industry. And it provides for fair treatment of the parties involved. I think this is a reasonable response.

Mr. President, the attacks of September 11 created severe strains on our Nation and its economy. The economic harm from those attacks has been most pronounced in our airline industry, the backbone of our transportation system.

Congress moved quickly and properly to respond to the crisis facing the commercial airlines with relief legislation in September. The fallout of the attacks, however, continues to be felt by the airlines and airline employees even after the Federal help.

Many will argue that a crisis continues in the airline industry.

All of our major airlines received aid through the industry relief bill. The Federal help was distributed fairly in proportion to the carrier's share of the market.

American Airlines received the largest share of that aid based on its combined size as a result of its acquisitions from TWA.

Unlike the other major carriers and their employees, the American and TWA employees faced the repercussions of September 11 with the uncertainty of the fact that their carriers had not completed the combination of operations envisioned by the AA/TWA transaction.

With the severe disruption of the airline industry caused by the attacks, the TWA employees in particular faced an uncertain future of layoffs knowing that there was no process in place to fairly and reasonably integrate their groups into the much larger American groups.

Indeed, the potential exists for them to suffer disproportionate job losses because there is no fair process in place.

In support of that principle of fair treatment, I have proposed the Airline Workers Fairness Act.

This legislation is designed to achieve a simple yet essential purpose—to provide a neutral and fair process to integrate employee groups of airlines involved in uncompleted mergers and transactions. It achieves this goal through:

A third party neutral arbitrator selected by the parties to make a final and binding decision based on the principles of fairness and equity.

This is not a new idea, but is the long-established process set forth by the former Civil Aeronautics Board some thirty years ago.

The notion of a fair and equitable seniority integration before a neutral arbitrator has been the industry standard for over fifty years in dozens of different airline mergers and acquisitions.

This bill recognizes that especially in the midst of severe disruption in the

airline industry, none of the interested parties have the ability to determine a fair and equitable resolution.

It puts the decision making out of the realm of passion and self-interest and into the hands of an experienced and fair-minded professional arbitrator.

Finally, this bill gives both sides the chance for a fair hearing.

We are not talking about micro-managing airlines or interfering in private contracts. The procedures this bill establishes are recognized widely as industry standard for seniority integrations.

They are also needed by employees and their families facing the loss of a lifetime's work.

Layoffs seem inevitable, but we can ensure that in the midst of the severe dislocations and upheaval in the lives of these airlines employees that our fundamental values were preserved, fair treatment and a fair hearing.

I have heard from all sides on this issue.

Both pilots unions have been on the phone and in my office on countless occasions. I have also been contacted by the International Association of Machinists representing both flight attendants and machinists.

All parties have clearly expressed to me and my staff that they want this seniority integration to come to a conclusion. It is ultimately clear, however, that an agreement cannot be reached under the status quo.

A fair process is desperately needed by thousands of hard working and dedicated employees and their families who face enormous dislocation and insecurity.

I ask that we echo the words of our Commander in Chief and our colleagues in the Congress; in a time of crisis we must not give up our fundamental values.

The Airlines Workers Fairness Act preserves our fundamental value of fair treatment during the crisis facing the airline industry.

It says that we will not abandon that value, rather we will recognize the enormous sacrifices made by the workers in this industry, both now and in the past. We will give them that simple assurance of fair treatment in the face of the crisis and sacrifice.

We are not meddling with collective bargaining or union politics * * * rather, we are simply helping two parties find the parameters to reach a fair and equitable resolution.

I urge my colleagues to support this important principle to assure fair and adequate treatment for all airline employees.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, Senator STEVENS and I are pleased to accept this amendment and take it to conference. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2354) was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

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

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

Mr. BYRD. Mr. President, while Senators are working out some matters, I ask unanimous consent that I may speak for not to exceed 8 minutes on another matter.

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

CONGRATULATING SENATOR STROM THURMOND ON HIS 99TH BIRTHDAY

Mr. BYRD. Mr. President, I did not speak on the day that was the most famous of all such days, the day of Senator THURMOND's birthday. I was busy on appropriations matters. I did not want to let this week go by without my saying just a few words about Senator THURMOND.

It was 99 years ago that STROM THURMOND was born in Edgefield, SC. Ninety-nine years old. What a feat, 99. Abraham lived to be 175 years old. Isaac lived to be 180. Jacob lived to be 147, and Joseph lived to be 110. Moses lived to be 120. Joshua lived to be 110. And STROM THURMOND has lived now to be 99. What a feat. That makes him old enough to be my big brother.

Well, when STROM THURMOND was born on December 5, 1902, the Wright Brothers had not yet made their historic flight at Kitty Hawk. He has lived to see men walking on the Moon. He has lived to see American space vessels exploring the far reaches of our galaxy. When he was born, Theodore Roosevelt was President of the United States. Since then, we have had 16 more Presidents.

When he was born, the Kaiser still ruled in Germany. Since then, that country has seen the rise and fall of the Weimar Republic, the rise and fall of Nazi Germany, a divided Germany, and now a united Germany. When STROM THURMOND was born, the Czar still ruled in Russia. Since then, that country has experienced the Russian Revolution of 1917—that was the year I was born—the Bolshevist government, the Communist government, the Soviet empire, and now Russia again.

Almost as intriguing has been the extraordinary career of our remarkable colleague. During the same time period, Senator THURMOND has been a teacher, an athletic coach, an educational administrator, a lawyer, a State legislator, and a circuit court judge.

Joseph wore a coat of many colors, but STROM THURMOND has held all of these offices, these professions, before coming to the U.S. Senate.

He won his first elective office, county superintendent, the same year that Herbert Hoover won his first elective office, 1928. STROM THURMOND was a soldier in World War II where he took part in the D-Day invasion of Normandy. He was a Presidential nominee in 1948. He was Governor of his beloved State of South Carolina from 1947 to 1951.

He has been a Democrat, Dixiecrat, and a Republican. Most of all, he has been and is a great American.

All of this would have been more than enough experiences and achievements in one lifetime for most mortals, but incredibly STROM THURMOND's greatest days were still ahead of him. In 1954, he won his first election to the U.S. Senate as a write-in candidate. That is saying something for any man who can win on a write-in seat in the Senate, making him the only person in history to be elected to the Senate as a write-in candidate. He pledged to the people of South Carolina that if they elected him as a write-in candidate, he would resign and he would run again and win the election the old-time way. And he did just what he promised he would do. So now he has become the longest serving Senator in history and the oldest person ever to have served in the Senate.

It is more than just longevity that has made STROM THURMOND an extraordinary Senator. As chairman of the Senate Armed Services Committee and chairman of the Senate Judiciary Committee, he has fought for a stronger military, to keep our country free, and he has fought for tougher anti-crime laws to make our streets safer. As President pro tempore of the Senate, he has brought dignity and style and a southern refinement to this important position. For these and other achievements, he has had high schools, State and Federal buildings, as well as streets and dams and town squares named in his honor.

A few years ago in 1991, the Senate designated room S–238 here in the U.S. Capitol as the ''Strom Thurmond Room'' in recognition of the selfless and dedicated service he has provided to our Nation and its people.

I remember that day, a long time ago, when STROM THURMOND suffered the loss of his wife. I used to see her sitting in the galleries. I can see her right now sitting in that first seat. We are not supposed to call attention to the people in the galleries, but I can remember having seen her sitting in that very first seat where the gentleman is

sitting right at this minute and watching the Senate.

I remember the day that that lady passed away. I came to the Senate. STROM THURMOND was sitting right back here where Senator JOE LIEBERMAN is sitting tonight. I walked up to him, gripped his hand, and told him I was sorry. And he was his spartan self. He thanked me and continued in his service.

On this his 99th birthday, I wish to say what a privilege and an honor it has been to have served with this remarkable man for all of these remarkable years, a man whom the good Lord has blessed with this long lifetime of service to his people. He has always been an outstanding legislator, a southern gentleman, and foremost, a good friend.

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.

Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful December evening,
Strom, count your age by friends, not years.

Happy birthday, Senator. May God always bless you.

(Applause, Senators rising.)

Mr. THURMOND. Mr. President, Senator BYRD is a man of character, a man of ability, a man of dedication, and we are all proud of him. Thank you very much.

(Applause.)

Mr. BYRD. Mr. President, I thank all the Senators.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, this has been a very hectic day for everyone. Before the night passed, I wanted to make sure everyone understood how much we on this side of the aisle appreciate the Senator from Hawaii. Senator STEVENS today gave a very emotional speech regarding Senator INOUYE, and it was not appropriate after that very emotional presentation was given by Senator STEVENS to say anything about Senator INOUYE. I did not want the night to pass without everyone understanding how we feel about Senator INOUYE. In fact, he is one of the most revered people in the history of the Senate. I do not know of anyone I have ever heard who has said an unkind word about the Senator from Hawaii, Mr. INOUYE. Just because we were silent earlier today does not negate the strength of the feeling we have for Senator INOUYE. In the time I have served in the Senate, there is no one I respect or admire more than the Senator from Hawaii, Mr. INOUYE.

The work he has done on this bill is as exemplary as the work he has done as a Senator.

(Applause, Senators rising.)

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2355

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration. n

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2355.

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

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

The amendment is as follows:

(Purpose: To provide funding for necessary expenses of the HUBZone program authorized under the Small Business Act, and for other purposes)

At the appropriate place insert:

''SMALL BUSINESS ADMINISTRATION

''DISASTER LOAN PROGRAM ACCOUNT

''SEC. 115. Of the amount made available under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77), for administrative expenses to carry out the direct loan program, $5,000,000 shall be made available for necessary expenses of the HUBZone program as authorized by section 31 of the Small Business Act, as amended (15 U.S.C. 657a), of which, not more than $500,000 may be used for the maintenance and operation of the Procurement Marketing and Access Network (PRO-Net). The Administrator of the Small Business Administration shall make quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives regarding all actions taken by the Small Business Administration to address the deficiencies in the HUBZone program, as identified by the General Accounting Office in report number GAO–02–57 of October 26, 2001.''.

Mr. BOND. Mr. President, this amendment is an attempt to close a gap that was opened as a result of the Commerce-State-Justice appropriations bill. During the consideration of that bill, the conference committee deleted funding for a small but important program known as the Hubzone program. We enacted it in this body in 1997 with unanimous, bipartisan support to direct Federal contracting dollars to the Nation's most depressed areas of high poverty and high unemployment; that is, in the inner cities, in the rural areas, in the Native American communities, and in the Alaskan Native villages.

We find small firms do not normally want to locate in these areas because they do not have enough customer traffic to buy their products, but as a result they cannot find a customer base. In the Hubzone program, the Government acts as a customer and it buys about $190 billion of goods and services each year.

This amendment does not appropriate new money. It simply restores the program to be implemented using the recommendations made in a General Accounting Office report. I ask the support of my colleagues in adopting this amendment.

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

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

Mr. INOUYE. Mr. President, the amendment submitted by Senator BOND has been cleared on our side, and on behalf of Senator STEVENS, we accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2355) was agreed to.

Mr. BOND. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

AMENDMENT NO. 2356

Mr. TORRICELLI. Mr. President, on behalf of myself, Senator CORZINE, Senator BIDEN, Senator CARPER, I have an amendment that would assure the Nation will for the next year have two independent suppliers of antitank and short-range missiles. Without this, we fear the Nation will be reduced to a single supply.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. CORZINE, Mr. BIDEN, and Mr. CARPER, proposes an amendment numbered 2356.

The amendment is as follows:

(Purpose: To require a production grant of $2,000,000 to Green Tree Chemcial Technologies in order to sustain the company through fiscal year 2002)

At the appropriate place in division A, insert the following:

SEC. . The Secretary of the Army shall, using amounts appropriated by title II of this division under the heading ''OPERATION AND MAINTENACE, ARMY'', make a production grant in the amount of $2,000,000 to Green Tree Chemical Technologies of Parlin, New Jersey, in order to help sustain that company through fiscal year 2002.

Mr. INOUYE. Mr. President, the managers of the bill have studied the amendment and we are pleased to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2356.

The amendment (No. 2356) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. TORRICELLI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. 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.

Mr. BYRD. Mr. President, in accordance with paragraph 2 of Rule VI of the Standing Rules of the Senate, I ask unanimous consent that I may absent myself from the Senate for the rest of the evening.

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

Mr. NELSON of Florida. Mr. President, 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.

Mr. REID. Mr. President, I have been asked to announce by the majority leader, after having conferred with the minority leader, that there will be no more rollcall votes tonight.

Mr. MCCAIN. I object.

Mr. REID. We thought we had this cleared. I apologize.

Mr. MCCAIN. Mr. President, I would like the RECORD to note that on a recorded vote I would have voted against this bill.

The PRESIDING OFFICER. The RECORD so notes.

The Senator from Hawaii.

AMENDMENTS NOS. 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, AND 2366, EN BLOC

Mr. INOUYE. Mr. President, on behalf of the managers of the bill, I am pleased to present the following amendments, and I ask unanimous consent they be considered, voted, and agreed to, en bloc: an amendment by Senator NICKLES concerning the modeling and simulation program; an amendment by Senator LOTT concerning the Armed Forces retirement homes; an amendment by Senator KENNEDY concerning pullover shirts for the Marine Corps; an amendment by Senator REID regarding radar modernization; an amendment by Senator REID regarding the Clark County bioterrorism and public health laboratory; an amendment by Senator REID regarding the rural low bandwidth medical collaboration system; an amendment for Senator WARNER concerning the critical infrastructure protection initiative; an amendment for Senator LINCOLN concerning the Battlespace Logistics Readiness and Sustainment Program; an amendment for Senator INOUYE concerning the Counternarcotics and Antiterrorism Operational Medical Support Program; an amendment for Senator MCCONNELL directing the Department of Defense to undertake an assessment of the Chemical Demilitarization Program.

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

The amendments (Nos. 2357 through 2366) were agreed to en bloc, as follows:

AMENDMENT NO. 2357

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in the Act under the heading ''Research, Development, Test and Evaluation, Air Force'' up to $4,000,000 may be made available to extend the modeling and re-engineering program now being performed at the Oklahoma City Air Logistics Center Propulsion Directorate.

AMENDMENT NO. 2358

(Purpose: To increase by $7,500,000 the amount available for Armed Forces Retirement Homes)

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by title VI under the heading ''OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS'', $7,500,000 may be available for Armed Forces Retirement Homes.

AMENDMENT NO. 2359

(Purpose: To set aside Marine Corps operation and maintenance for completing the fielding of half-zip, pullover, fleece uniform shirts for all members of the Marine Corps, including the Marine Corps Reserve)

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance, Marine Corps, $2,800,000 may be used for completing the fielding of half-zip, pullover, fleece uniform shirts for all members of the Marine Corps, including the Marine Corps Reserve.

AMENDMENT NO. 2360

(Purpose: To make available from aircraft procurement, Air Force, $6,000,000 for 10 radars in the Air Force Radar Modernization Program for C–130H2 aircraft (PE040115) for aircraft of the Nevada Air National Guard at Reno, Nevada)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', $6,000,000 may be available for 10 radars in the Air Force Radar Modernization Program for C–130H2 aircraft for aircraft of the Nevada Air National Guard at Reno, Nevada.

AMENDMENT NO. 2361

(Purpose: To make available from research, development, test, and evaluation, Army, $3,000,000 for Medical Development (PE604771N) for the Clark County, Nevada, bioterrorism and public health laboratory)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $3,000,000 may be made available for Medical Development for the Clark County, Nevada, bioterrorism and public health laboratory.

AMENDMENT NO. 2362

(Purpose: To make available from research, development, test, and evaluation, Air Force, $1,000,000 for Agile Combat Support (PE64617) for the Rural Low Bandwidth Medical Collaboration System)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $1,000,000 may be made available for Agile Combat Support for Rural Low Bandwidth Medical Collaboration System.

AMENDMENT NO. 2363

(Purpose: To set aside funds for the critical infrastructure protection initiative of the Navy)

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance, Navy, $6,000,000 may be made available for critical infrastructure protection initiative.

AMENDMENT NO. 2364

At the appropriate place in the bill, insert the following:

SEC. . Of the funds provided in this Act the heading, ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $2,000,000 may be made available for Battlespace Logistics Readiness and Sustainment project in Fayetteville, Arkansas.''

AMENDMENT NO. 2365

(Purpose: To provide funds for the Counter Narcotics and Terrorism Operational Medical Support Program)

At the appropriate place in division A, insert the following:

SEC. . Of the funds appropriated by title VI of this division under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', $2,400,000 may be made available for the Counter Narcotics and Terrorism Operational Medical Support Program at the Uniformed Services University of the Health Sciences.

AMENDMENT NO. 2366

(Purpose: To require an assessment of various alternatives to the current Army plan for the destruction of chemical weapons)

At the appropriate place in division A, insert the following:

SEC. ____. (a) ASSESSMENT REQUIRED.—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks.

(2) A description and assessment of the current risks in the storage of chemical weapons arising from storage of such weapons after April 2007, the required date for disposal of such weapons as stated in the Chemical Weapons Convention.

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) CONSIDERATIONS.—In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2367 THROUGH 2385, EN BLOC

Mr. INOUYE. Mr. President, I am pleased to present, on behalf of the managers, the second managers' package. I ask unanimous consent that the Senate proceed to consider, vote on, and agree to en bloc: an amendment for Senator KERRY concerning operational nuclear test monitoring; an amendment for Senators KERRY and KENNEDY concerning sensor fused weapons CBU–97; an amendment for Senator FEINSTEIN concerning the Tactical Support Center Mobile Acoustic Analysis System; an amendment for Senator KENNEDY regarding the Air National Guard for an information analysis network; an amendment for Senator KENNEDY concerning the DLAMP program; an amendment for Senator HELMS concerning the Display Performance and Environmental Laboratory Project; two amendments for Senator HELMS concerning the Joint Airborne Tactical Electronic Combat Training Program; an amendment for Senator INOUYE concerning environmental studies in the Philippines; an amendment for Senator WARNER concerning the burial of veterans; an amendment for Senator BURNS concerning the National Business Center; an amendment for Senator STEVENS concerning crewmen's headsets; an amendment for Senator MCCONNELL concerning low-cost digital modems; an amendment for Senator GREGG concerning multifunctional composite materials; an amendment for Senator SHELBY concerning the Collaborative Engineering Center of Excellence and the Cooperative Microsatellite Experiment; an amendment for Senator BIDEN concerning metal matrix composites; an amendment for Senator SPECTER concerning the Solid Electrolyte Oxygen Separation Program; an amendment for Senator GRASSLEY that concerns unmatched disbursements; and an amendment for Senator VOINOVICH concerning three dimensional ultrasound imaging.

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

The amendments (Nos. 2367 through 2385) were agreed to en bloc, as follows:

AMENDMENT NO. 2367

(Purpose: To make available $12,500,000 from research, development, test, and evaluation, Defense-wide, for operational nuclear test monitoring requirements of the Air Force)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' and available for the Advanced Technology Development for Arms Control Technology element, $7,000,000 may be made available for the Nuclear Treaty sub-element of such element for peer-reviewed seismic research to support Air Force operational nuclear test monitoring requirements.

AMENDMENT NO. 2368

(Purpose: To make available $14,200,000 for procurement for the Air Force for procurement of Sensor Fused Weapons (CBU–97))

At the appropriate place in division A, insert the following:

SEC. . Of the amount available in title III of this division under the heading ''PROCUREMENT OF AMMUNITIONS, AIR FORCE'', $10,000,000 may be available for procurement of Sensor Fused Weapons (CBU–97).

AMENDMENT NO. 2369

(Purpose: To make available from other procurement, Navy, $8,000,000 for procurement of the Tactical Support Center, Mobile Acoustic Analysis System)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, NAVY'', $8,000,000 may be made available for procurement of the Tactical Support Center, Mobile Acoustic Analysis System.

AMENDMENT NO. 2370

(Purpose: To set aside funds for continuation of the Air National Guard Information Analysis Network (GUARDIAN))

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance, Air National Guard, $4,000,000 may be used for continuation of the Air National Guard Information Analysis Network (GUARDIAN)).

AMENDMENT NO. 2371

(Purpose: To set aside a specified amount of operation and maintenance, Defense-wide funds for the DLAMP program)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title II for operation and maintenance, Defense-wide, $55,700,000 may be available for the Defense Leadership and Management Program.

AMENDMENT NO. 2372

(Purpose: To provide funding for the Display Performance and Environment Evaluation Laboratory Project of the Army Research Laboratory)

At the appropriate place in division A, add the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $4,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

AMENDMENT NO. 2373

(Purpose: To expand the number of U.S. Navy combat aircrews who can benefit from Airborne Tactical Adversary Electronic Warfare/Electronic Attack training)

At the appropriate place in division A, add the following new section:

SEC. . Of the funds made available in Title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be made available for the U.S. Navy to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

AMENDMENT NO. 2374

(Purpose: To expand the number of U.S. Air Force combat aircrews who can benefit from Airborne Tactical Adversary Electronic Warfare/Electronic Attack training)

At the appropriate place in division A, add the following new section:

SEC. . Of the funds made available in Title II of this Act under the heading ''Operation and Maintenance, Air Force'', up to $2,000,000 may be made available for the U.S. Air Force to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

AMENDMENT NO. 2375

(Purpose: To express the sense of the Senate regarding environmental contamination and health effects emanating from the former United States military facilities in the Philippines)

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE REGARDING ENVIRONMENTAL CONTAMINATION IN THE PHILIPPINES.

It is the sense of the Senate that—

(1) the Secretary of State, in cooperation with the Secretary of Defense, should continue to work with the Government of the Philippines and with appropriate non-governmental organizations in the United States and the Philippines to fully identify and share all relevant information concerning environmental contamination and health effects emanating from former United States military facilities in the Philippines following the departure of the United States military forces from the Philippines in 1992;

(2) the United States and the Government of the Philippines should continue to build upon the agreements outlined in the Joint Statement by the United States and the Republic of the Philippines on a Framework for Bilateral Cooperation in the Environment and Public Health, signed on July 27, 2000; and

(3) Congress should encourage an objective non-governmental study, which would examine environmental contamination and health effects emanating from former United States military facilities in the Philippines, following the departure of United States military forces from the Philippines in 1992.

AMENDMENT NO. 2376

(Purpose: To authorize the burial in Arlington National Cemetery of any former Reservist who died in the September 11, 2001, terrorist attacks and would have been eligible for burial in Arlington National Cemetery but for age at time of death)

At the end of title VIII of division A, add the following:

SEC. 8135. (a) AUTHORITY FOR BURIAL OF CERTAIN INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The Secretary of the Army shall authorize the burial in a separate gravesite at Arlington National Cemetery, Virginia, of any individual who—

(1) died as a direct result of the terrorist attacks on the United States on September 11, 2001; and

(2) would have been eligible for burial in Arlington National Cemetery by reason of service in a reserve component of the Armed Forces but for the fact that such individual was less than 60 years of age at the time of death.

(b) ELIGIBILITY OF SURVIVING SPOUSE.—The surviving spouse of an individual buried in a gravesite in Arlington National Cemetery under the authority provided under subsection (a) shall be eligible for burial in the gravesite of the individual to the same extent as the surviving spouse of any other individual buried in Arlington National Cemetery is eligible for burial in the gravesite of such other individual.

AMENDMENT NO. 2377

(Purpose: To provided for the retention of certain contracting authorities by the Department of the Interior's National Business Center)

At the appropriate place in the bill, add the following:

''SEC. . In fiscal year 2002, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.''

AMENDMENT NO. 2378

(Purpose: To set aside funds for the Product Improved Combat Vehicle Crewman's Headset)

At the appropriate place in division A, insert the following:

Of the total amount appropriated by this division for other procurement, Army, $9,000,000 may be available for the ''Product Improved Combat Vehicle Crewman's Headset.''

AMENDMENT NO. 2379

(Purpose: To set aside funds to be used to support development and testing of new designs of low cost digital modems for wideband common data link)

At the appropriate place in division A, insert the following:

SEC. 8135. Of the funds appropriated by this division for research, development, test and evaluation, Navy, up to $4,000,000 may be used to support development and testing of new designs of low cost digital modems for Wideband Common Data Link.

AMENDMENT NO. 2380

(Purpose: To set aside Army RDT&E funds for research and development of key enabling technologies for producing low cost, improved performance, reduced signature, multifunctional composite materials)

At the appropriate place in division A, insert the following:

SEC. 8135. Of the amount appropriated by this division for the Army for research, development, test, and evaluation, $2,000,000 may be available for research and development of key enabling technologies (such as filament winding, braiding, contour weaving, and dry powder resin towpregs fabrication) for producing low cost, improved performance, reduced signature, multifunctional composite materials.

AMENDMENT NO. 2381

(Purpose: To set aside Army RDT&E funding for certain programs)

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated under title IV for research, development, test and evaluation, Army, $2,000,000 may be available for the Collaborative Engineering Center of Excellence, $3,000,000 may be available for the Battlefield Ordnance Awareness, and $4,000,000 may be available for the Cooperative Microsatellite Experiment.

AMENDMENT NO. 2382

(Purpose: To make available from research, development, test, and evaluation, Army, $5,000,000 to develop high-performance 81mm and 120mm mortar systems that use metal matrix composites to substantially reduce the weight of such system)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT. TEST AND EVALUATION, ARMY'' that is available for Munitions $5,000,000 may be available to develop high-performance 81mm and 120mm mortar systems that use metal matrix composites to substantially reduce the weight of such systems.

AMENDMENT NO. 2383

(Purpose: To set aside Air Force RDT&E funds for human effectiveness applied research (PE 602202F) for continuing development under the solid electrolyte oxygen separation program of the Air Force)

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Air Force, up to $6,000,000 may be used for human effectiveness applied research for continuing development under the solid electrolyte oxygen separation program of the Air Force.

AMENDMENT NO. 2384

(Purpose: To continue to apply in fiscal year 2002 a requirement (in an appropriations Act for the Department of Defense for a previous fiscal year) for matching each DOD disbursement in excess of $500,000 to a particular obligation before the disbursement is made)

At the appropriate place in division A, insert the following:

SEC. . Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

Mr. GRASSLEY. Mr. President, this is my annual Defense Department accounting amendment.

I call it my accounting 101 amendment.

I call it accounting 101 because it calls on DOD to apply one of the most elementary accounting procedures in existence.

It request that DOD match disbursements with obligations before making payments.

Accountants and bookkeepers have been using this procedure since the beginning of time. It is an important internal control check. But it is simple and effective. Most people do it when they reconcile their monthly credit card bills.

Before a bill is approved for payment, someone has to check to make sure that the item in question was, in fact, ordered and received; and it can be located in the warehouse or elsewhere. It is a way of detecting and deterring theft and fraud. Today, it can be done electronically with computers.

For unexplained reasons in the past, DOD has not followed this simple procedure. DOD likes to pay the bill first and at some later date—maybe a year or two later—try to match the payment with a bill. In the Pentagon, they call it ''pay and chase.'' In many cases, the bill is never found.

Pay and chase is one big reason why DOD piled up $50 billion in unmatched disbursements in the 1990's.

Sloppy bookkeeping leaves DOD's financial resources vulnerable to fraud and abuse.

Earlier this year, the very distinguished chairman of the Appropriations Committee, Senator BYRD, raised a series of very troublesome questions about DOD accounting practices. He did it at a hearing before the Armed Services Committee on January on Mr. Rumsfeld's nomination.

Senator BYRD said and I quote: ''The Pentagon's books are in such utter disarray that no one knows what America's military actually owns or spends.''

Senator BYRD also said and I quote: ''The Department of Defense's own auditors say the department cannot account for $2.3 trillion in transactions in one year alone.''

The failure to match disbursements with obligations is a big driver behind the problem identified by Senator BYRD.

Senator BYRD's inquiry set off a firestorm at the Pentagon. It became a catalyst for change. Secretary Rumsfeld and his team are now committed to reform.

As a former chief executive officer with a large corporation, Mr. Rumsfeld understands that he must have accurate, up-to-date information at his fingertips.

He knows that he can't make good decisions with lousy information. But that's all he gets right now—lousy financial information.

Secretary Rumsfeld knows that financial reform is mandatory.

This year I have had the privilege of working with the very distinguished chairman of the Appropriations Committee, Senator BYRD, to solve this problem.

Our financial reform initiative was accepted by the committee and is now part of the Fiscal Year 2002 Defense authorization bill.

Secretary Rumsfeld's initiatives and the provisions in the Defense authorization bill are part of a long-term effort.

It may take four years or more before the new systems are up and running and producing reliable financial information.

The amendment that I offer today is a short-term, stopgap measure. It will help to maintain pressure and discipline in accounting before the new systems can kick in to action.

Mr. President, the policy embodied in this amendment has been incorporated in the last seven appropriations acts—fiscal years 1995 through 2001.

Under current law, Section 8137 of the act for Fiscal Year 2001, the matching threshold is set at $500,000.00.

By a unanimous vote taken on June 9, 2000, the Senate agreed to keep the threshold at the $500,000.00 level.

Both the General Accounting Office and the inspector general believe that this policy is helping the department avoid ''problem disbursements'' and other related accounting problems.

Secretary Rumsfeld has made a firm commitment to ''clean up'' the books and bring some financial management reform to the process at the Pentagon.

Mr. President, that's half of the battle right there—the will to do it. And the will is there.

Having that kind of attitude at the top gives me a high level of confidence. Maybe we can get the job done this time.

Since Secretary Rumsfeld's proposed reforms are still in the development phase and may be several years down the road, I am recommending that the matching threshold be maintained at the current level of $5,000,000.00.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2385

(Purpose: To set aside Army RDT&E funds for the Three-Dimensional Ultrasound Imaging Initiative II)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division for the Army for research, development, test, and evaluation, $5,000,000 may be available for the Three-Dimensional Ultrasound Imaging Initiative II.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2386 THROUGH 2395, EN BLOC

Mr. INOUYE. Mr. President, if may I continue with the managers' package, on behalf of the managers of the bill, I am pleased to offer the following amendments, and I ask unanimous consent that the Senate proceed to consider, vote on, and agree to, en bloc: an amendment for Senator KERRY on solid dye laser technology; an amendment for Senator FEINSTEIN on Shortstop Electronic Protection System; an amendment for Senator FEINSTEIN on Broad Area Maritime Surveillance Program; an amendment for Senator LUGAR, Increase Former SU Threat Reduction (FSUTR); an amendment for Senator LOTT, initiative; an amendment for Senator LOTT on military personnel research; an amendment for Senator LOTT on C–130 Roadmap; an amendment for Senator HELMS on LOGTECH; an amendment for Senator LOTT on LDH–9; an amendment for Senator COLLINS on the Striker advanced lightweight grenade launcher.

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

The amendments (Nos. 2386 through 2395) were agreed to, en bloc, as follows:

AMENDMENT NO. 2386

(Purpose: To make available from research, development, test, and evaluation, Army, $5,000,000 for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount available in title IV of this division under the heading ''RESEARCH DEVELOPMENT, TEST AND EVALUATION, ARMY'' that is available for missile technology, $5,000,000 may be available for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

AMENDMENT NO. 2387

(Purpose: To make available from other procurement, Army, $10,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, ARMY'', $10,000,000 may be made available for procurement of Shortstop Electronic Protection Systems for critical force protection.

AMENDMENT NO. 2388

(Purpose: To make available from research, development, test, and evaluation, Navy, $20,000,000 for the Broad Area Maritime Surveillance program)

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 may be made available for the Broad Area Maritime Surveillance program.

AMENDMENT NO. 2389

(Purpose: To increase by $46,000,000 the amount available for former Soviet Union threat reduction and to provide an offset)

At the end of title VIII of division A, add the following:

SEC. . (a) INCREASE IN AMOUNT AVAILABLE FOR FORMER SOVIET UNION THREAT REDUCTION.—The amount appropriated by title II of this division under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' is hereby increased by $46,00,000.

(b) Offset.—The amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby decreased by $46,000,000.

AMENDMENT NO. 2390

(Purpose: To provide funding for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950)

On page 223, line 23, insert before the period '', of which, $3,000,000 may be used for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processible rigid-rod materials''.

AMENDMENT NO. 2391

(Purpose: To increase by $2,000,000 the amount available for Military Personnel Research (PE61103D))

At the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE'', $2,000,000 may be made available for Military Personnel Research.

AMENDMENT NO. 2392

(Purpose: To express the support of the Senate for the Air Force's long-range beddown plan for the C–130J fleet)

At the appropriate place, insert the following:

SEC. . Provided, That the funds appropriated by this act for C–130J aircraft shall be used to support the Air Force's long-range plan called the ''C–130 Roadmap'' to assist in the planning, budgeting, and beddown of the C–130J fleet. The ''C–130 Roadmap'' gives consideration to the needs of the service, the condition of the aircraft to be replaced, and the requirement to properly phase facilities to determine the best C–130J aircraft beddown sequence.

AMENDMENT NO. 2393

(Purpose: To provide funding for the U.S. Army Materiel Command's Logistics and Technology Project (LOGTECH))

At the appropriate place in the bill, add the following new section:

SEC. . Of the funds made available in Title II of this Act under the heading ''Operation and Maintenance, Army'', $2,550,000 may be available for the U.S. Army Materiel Command's Logistics and Technology Project (LOGTECH).

AMENDMENT NO. 2394

(Purpose: To increase by $5,000,000 the amount available for the planning and design for evolutionary improvements for the next LHD-type Amphibious Assault Ship (PE603564N))

At the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 is available for the planning and design for evolutionary improvements for the next LHD-type Amphibious Assault Ship.

AMENDMENT NO. 2395

(Purpose: To set aside $5,000,000 of Procurement, Defense-Wide funds for low-rate initial production of the Striker advanced lightweight grenade launcher (ALGL1160444BBB), and $1,000,000 of RDT&E, Navy funds for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker ALGL (PE 0603640M))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. (a) Of the total amount appropriated by title III of this division for procurement, Defense-Wide, up to $5,000,000 may be made available for low-rate initial production of the Striker advanced lightweight grenade launcher.

(b) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Navy, up to $1,000,000 may be made available for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker advanced lightweight grenade launcher.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2396 THROUGH 2405, EN BLOC

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate

proceed to consider, vote on, and agree to the following amendments on behalf of the managers, en bloc: an amendment for Senator COLLINS on Smart Maps initiative; an amendment for Senator COLLINS on chemical and biological agents sensors; an amendment for Senator LANDRIEU on Army Nutrition Program; an amendment for Senator LANDRIEU on Partnership for Peace; an amendment for Senator THOMPSON on communicator system for Army National Guard; an amendment for Senator DORGAN on miniaturized wireless system; an amendment for Senator HARKIN on Consolidated Interactive Virtual Information Center of the National Guard; an amendment for Senator REED on Navy warfighting experimentation and demonstration for high-speed vessels; another amendment for Senator REED on Impact Aid for children with severe disabilities; and an amendment for Senators BIDEN and CARPER on worker safety demonstration programs.

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

The amendments (Nos. 2396 through 2405) were agreed to en bloc, as follows:

AMENDMENT NO. 2396

(Purpose: To set aside $4,000,000 of RDT&E, Defense-Wide funds for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency (PE 0305102BQ))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Defense-Wide, up to $4,000,000 may be made available for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency.

AMENDMENT NO. 2397

(Purpose: To set aside $5,000,000 of research, development, test, and evaluation, Defense-Wide funds for further development of light weight sensors of chemical and biological agents using fluorescence-based detection (PE 0602384BP))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Defense-Wide, $5,000,000 may be available for further development of light weight sensors of chemical and biological agents using fluorescence-based detection.

AMENDMENT NO. 2398

(Purpose: To authorize the availability of $2,500,000 for the Army Nutrition Project)

At the end of title VIII of division A, add the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' $2,500,000 may be made available for the Army Nutrition Project.

AMENDMENT NO. 2399

(Purpose: To authorize the availability of an additional $2,000,000 for the Partnership for Peach (PFP) Information Management System)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $2,000,000 may be made available for the Partnership for Peace (PFP) Information Management System. Any amount made available for the Partnership for Peace Information Management System under this section is in addition to other amounts available for the Partnership for Peace Information Management System under this Act.

AMENDMENT NO. 2400

(Purpose: To make available $4,892,000 for the Communicator Automated Emergency Notification System of the Army National Guard)

At the end of title VII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, ARMY'', $4,892,000 may be used for the Communicator Automated Emergency Notification System of the Army National Guard.

AMENDMENT NO. 2401

(Purpose: To provide funds for a miniaturized wireless system)

At the appropriate place in the bill, add the following:

SEC. . Of the funds provided for Research, Development, Test and Evaluation in this bill, the Secretary of Defense may use $10,000,000 to initiate a university-industry program to utilize advances in 3-dimensional chip scale packaging (CSP) and high temperature superconducting (HTS) transceiver performance, to reduce the size, weight, power consumption, and cost of advanced military wireless communications systems for covert military and intelligence operations, especially HUMINT.

AMENDMENT NO. 2402

(Purpose: To make available $5,000,000 for the Consolidated Interactive Virtual Information Center for the National Guard)

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR NATIONAL GUARD CONSOLIDATED INTERACTIVE VIRTUAL INFORMATION CENTER.—Of the amount appropriated by title II of this division under the heading ''Operation and Maintenance, Air National Guard,'' $5,000,000 may be available for the Consolidated Interactive Virtual Information Center for the National Guard.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the Consolidated Interactive Virtual Information Center of the National Guard is in addition to any other amounts available under this Act for the Consolidated Interactive Virtual Information Center.

AMENDMENT NO. 2403

(Purpose: To make available $1,200,000 for concept development and composite construction of high speed vessels currently implemented by the Navy Warfare Development Command)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' and available for Navy Space and Electronic Warfare (SEW) Architecture/Engine, $1,200,000 may be made available for concept development and composite construction of high speed vessels currently implemented by the Navy Warfare Development Command.

AMENDMENT NO. 2404

(Purpose: To set aside operation and maintenance, Defense-Wide funds for impact aid for children with severe disabilities)

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, $5,000,000 may be available for payments under section 363 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–77).

AMENDMENT NO. 2405

(Purpose: To make funds available to enhance the worker safety demonstration programs of the military departments)

At the appropriate place in division A, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The military departments have recently initiated worker safety demonstration programs.

(2) These programs are intended to improve the working conditions of Department of Defense personnel and save money.

(3) These programs are in the public interest, and the enhancement of these programs will lead to desirable results for the military departments.

(b) FUNDS FOR ENHANCEMENT OF ARMY PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, ARMY'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Army.

(c) FUNDS FOR ENHANCEMENT OF NAVY PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, NAVY'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Navy.

(d) FUNDS FOR ENHANCEMENT OF AIR FORCE PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Air Force.

Mr. INOUYE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2406 THROUGH 2414, EN BLOC

Mr. INOUYE. Mr. President, if I may proceed further, I ask unanimous consent that the Senate proceed to consider, vote on, and agree to, en bloc: an amendment for Senator CARNAHAN on Rosecrans Memorial Airport; an amendment for Senator NELSON of Florida on the Center for Advanced Power Systems; an amendment for Senator DEWINE on collaborative technology clusters; an amendment for Senator CLELAND on Army live fire ranges; an amendment for Senator CLELAND on Aging Aircraft Program; an amendment for Senator SNOWE on Navy Pilot Human Resources Call Center; an amendment for Senator SNOWE on compact kinetic energy missile; an amendment for Senator CLELAND on engineering control and surveillance systems; and an amendment for Senator BUNNING on Navy Medical Research Center.

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

The amendments (Nos. 2406 through 2414) were agreed to en bloc, as follows:

AMENDMENT NO. 2406

(Purpose: To set aside Air National Guard operation and maintenance funds for certain replacement and repair projects for facilities used by the Air National Guard at Rosecrans Memorial Airport, St. Joseph, Missouri)

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Air National Guard, $435,000 may be available (subject to section 2805(c) of title 10, United States Code) for the replacement of deteriorating gas lines, mains, valves, and fittings at the Air National Guard facility at Rosecrans Memorial Airport, St. Joseph, Missouri, and (subject to section 2811 of title 10, United States Code) for the repair of the roof of the Aerial Port Facility at that airport.

AMENDMENT NO. 2407

At the appropriate place in Division A, insert the following:

SEC. . Of the amount appropriated in title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $7,000,000 may be made available for the Center for Advanced Power Systems.

AMENDMENT NO. 2408

(Purpose: To set aside Air Force RDT&E funds to complete the research and development tasks under the Collaborative Technology Clusters program of the Air Force Research Laboratory)

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division for the Air Force for research, development, test, and evaluation, $3,500,000 may be available for the Collaborative Technology Clusters program.

AMENDMENT NO. 2409

(Purpose: To make available $7,000,000 for Army live fire ranges)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, ARMY'', $7,000,000 may be available for Army live fire ranges.

AMENDMENT NO. 2410

(Purpose: To make available $3,900,000 for the aging aircraft program of the Air Force)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', $3,900,000 may be available for the aging aircraft program of the Air Force.

AMENDMENT NO. 2411

(Purpose: To set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine (Civilian Manpower and Personnel Management, BLN 480))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title II of this division for operation and maintenance, Navy, for civilian manpower and personnel management, $1,500,000 may be used for the Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 2412

(Purpose: To set aside Army RDT&E funds for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration (PE 0602303A, BLN 10))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title IV of this division for research, development, test and evaluation, Army, $5,000,000 may be used for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration.

AMENDMENT NO. 2413

(Purpose: To make available $1,600,000 for the Navy for Engineering Control and Surveillance Systems)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, NAVY'', $1,600,000 may be available for the Navy for Engineering Control and Surveillance Systems.

AMENDMENT NO. 2414

(Purpose: To provide $5,000,000 for a program at the Naval Medical Research Center (NMRC) to treat victims of radiation exposure (PE0604771N)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 may made be available for a program at the Naval Medical Research Center (NMRC) to treat victims of radiation exposure.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2415 THROUGH 2425, EN BLOC

Mr. INOUYE. Mr. President, if I may proceed further, I ask unanimous consent that the Senate proceed to consider, vote on, and agree to, en bloc: an amendment for Senator LANDRIEU, Gulf States Initiative; an amendment for Senator COLLINS, laser fabricated steel reinforcement for ship construction; an amendment for Senator DODD on report on progress of CTR to India, Pakistan; an amendment for Senator DODD on the M4 carbine; an amendment for Senator DODD on the AN/AVR–2A; an amendment for Senator DODD on the F–16 batteries; an amendment for Senator DODD on the four hushkits for C–9; an amendment for Senator SARBANES on Operating Room of the Future; an amendment for Senator TORRICELLI on Coalition for Advanced Biomaterials; an amendment for Senator TORRICELLI on advanced digital recorders for P–3; and an amendment for Senator BINGAMAN on Big Crow, Defense Systems Evaluation.

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

The amendments (Nos. 2415 through 2425) were agreed to en bloc, as follows:

AMENDMENT NO. 2415

(Purpose: To make available $10,000,000 for the Gulf States Initiative)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $10,000,000 may be available for the Gulf States Initiative.

AMENDMENT NO. 2416

(Purpose: To set aside $4,300,000 of Research, Development, Test, and Evaluation, Navy funds for the demonstration and validation of laser fabricated steel reinforcement for ship construction (PE 0603123N))

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Navy, $4,000,000 may be available for the demonstration and validation of laser fabricated steel reinforcement for ship construction.

AMENDMENT NO. 2417

(Purpose: To require a report on progress toward implementation of comprehensive nuclear threat reduction programs to safeguard Pakistani and Indian missile nuclear stockpiles and technology)

At the appropriate place in the Committee amendment, insert the following new section:

SEC. ___. REPORT ON PROGRESS TOWARD IMPLEMENTATION OF COMPREHENSIVE NUCLEAR THREAT REDUCTION PROGRAMS TO SAFEGUARD PAKISTANI AND INDIAN MISSILE NUCLEAR STOCKPILES AND TECHNOLOGY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1991 the Nunn-Lugar cooperative threat reduction initiative with the Russian Federation has sought to address the threat posed by Soviet-era stockpiles of nuclear, chemical, and biological weapons-grade materials being illicitly acquired by terrorist organizations or rogue states.

(2) India and Pakistan have acquired or developed independently nuclear materials, detonation devices, warheads, and delivery systems as part of their nuclear weapons programs.

(3) Neither India nor Pakistan is currently a signatory of the Nuclear Non-Proliferation Treaty or the Comprehensive Test Ban Treaty or an active participant in the United Nations Conference of Disarmament, nor do these countries voluntarily submit to international inspections of their nuclear facilities.

(4) Since the commencement of the military campaign against the Taliban regime and the al-Qaeda terrorist network in Afghanistan, Pakistan has taken additional steps to secure its nuclear assets from theft by members of al-Qaeda or other terrorists sympathetic to Osama bin Laden or the Taliban.

(5) Self-policing of nuclear materials and sensitive technologies by Indian and Pakistani authorities without up-to-date Western technology and expertise in the nuclear security area is unlikely to prevent determined terrorists or sympathizers from gaining access to such stockpiles over the long term.

(6) The United States has a significant national security interest in cooperating with India and Pakistan in order to ensure that effective nuclear threat reduction programs and policies are being pursued by the governments of those two countries.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in cooperation with the Secretaries of State and Energy, shall submit a report to Congress describing the steps that have been taken to develop cooperative threat reduction programs with India and

Pakistan. Such report shall include recommendations for changes in any provision of existing law that is currently an impediment to the full establishment of such programs, a timetable for implementation of such programs, and an estimated five-year budget that will be required to fully fund such programs.

AMENDMENT NO. 2418

(Purpose: To make available $5,000,000 for the Marine Corps for M–4 Carbine, Modular Weapon Systems)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''PROCUREMENT, MARINE CORPS'', $5,000,000 may be available for M–4 Carbine, Modular Weapon Systems.

AMENDMENT NO. 2419

(Purpose: To make available $7,500,000 for the Army for AN/AVR–2A laser detecting sets)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, ARMY'', $7,500,000 may be available for AN/AVR–2A laser detecting sets.

AMENDMENT NO. 2420

(Purpose: To make available $2,500,000 for the Air Force for Industrial Preparedness (PE0708011F) for continuing development of the nickel-metal hydride replacement battery for F–16 aircraft)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $2,500,000 may be available for Industrial Preparedness (PE0708011F) for continuing development of the nickel-metal hydride replacement battery for F–16 aircraft.

AMENDMENT NO. 2421

(Purpose: To make available $8,960,000 for the Navy for four Hushkit noise inhibitors for C–9 aircraft)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, NAVY'', $8,960,000 may be available for the Navy for four Hushkit noise inhibitors for C–9 aircraft.

AMENDMENT NO. 2422

(Purpose: To make available $5,000,000 for the development of the Operating Room of the Future, an applied technology test bed at the University of Maryland Medical Center in collaboration with the Telemedicine and Advanced Technology Research Center of the Army)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title VI of this division under the heading ''DEFENSE HEALTH PROGRAM'', $5,000,000 may be available for the Army for the development of the Operating Room of the Future, an applied technology test bed at the University of Maryland Medical Center.

AMENDMENT NO. 2423

(Purpose: To make available $5,700,000 for the Army for the Coalition for Advanced Biomaterials Technologies and Therapies (CABTT) program to maximize far-forward treatment and for the accelerated return to duty of combat casualties)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH DEVELOPMENT, TESTT AND EVALUATION, ARMY'', $5,700,000 may be made available for the Coalition for Advanced Biomaterials Technologies and Therapies (CABTT) program to maximize far-forward treatment and for the accelerated return to duty of combat casualties.

AMENDMENT NO. 2424

(Purpose: To make available $9,800,000 for the Navy for Advanced Digital Recorders and Digital Recorder Producers for P–3 aircraft)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, NAVY'', $9,800,000 may be available only for Advanced Digital Recorders and Digital Recorder Producers for P–3 aircraft.

AMENDMENT NO. 2425

(Purpose: To make funds available for Big Crow (PE605118D))

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR CERTAIN PROGRAMS AND PROJECTS.—From amounts appropriated by this division, amounts may hereby be made available as follows:

(1) $8,000,000 for Big Crow (PE605118D).

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2426 THROUGH 2438, EN BLOC

Mr. INOUYE. And finally, Mr. President——

Mr. STEVENS. No. Two more.

Mr. INOUYE. For the managers of the bill, I ask unanimous consent the Senate proceed to consider, vote on, and agree to, en bloc: an amendment for Senator COCHRAN, domed housing units on the Marshall Islands; an amendment for Senator RICK SANTORUM, National Tissue Engineering Center; an amendment for Senator SANTORUM, M107 HE 155 millimeter; an amendment for Senator SANTORUM on Integrated Medical Information Tech System; an amendment for Senator SANTORUM on modular helmet; an amendment for Senator SANTORUM on information operations; an amendment for Senator KENNEDY on NULKA; an amendment for Senator HARKIN on health protection of workers at Iowa AAP; an amendment for Senator SHELBY on low-cost launch vehicle technology; an amendment for Senator BUNNING on study of the Army trainee barracks; an amendment for Senator HUTCHINSON on pilot program for efficient inventory management; an amendment for Senator MCCAIN, strike Section 902 of Division B for funding certain military construction projects; and an amendment for Senator STABENOW on advanced safety tether operations.

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

The amendments (Nos. 2426 through 2438) were agreed to en bloc, as follows:

AMENDMENT NO. 2426

(Purpose: To provide for the acquisition, installation, and maintenance of domed housing units on the Marshall Islands)

At the end of title VIII of this division, add the following:

SEC. 8135. (a) FUNDING FOR DOMED HOUSING UNITS ON MARSHALL ISLANDS.—From within amounts appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' the Commanding General of the Army Space and Missile Defense Command may acquire, and maintain domed housing units for military personnel on Kwajalein Atoll and other islands and locations in support of the mission of the command.

AMENDMENT NO. 2427

(Purpose: To set aside for medical technology, National Tissue Engineering Center $4,000,000 of the amount provided for Army, research, development, test and evaluation)

Of the funds made available in title IV of the act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' $4,000,000 may be available for a national tissue engineering center.

AMENDMENT NO. 2428

(Purpose: To set aside for artillery projectiles, M107, HE, 155mm, $5,000,000 of the amount provided for Army, Ammunition Procurement)

Of the funds in Title III for Ammunition Procurement, Army, $5,000,000 may be available for M107, HE, 155mm.

AMENDMENT NO. 2429

(Purpose: To set aside for Agile Combat Support, Integrated Medical Information Technology System (PE 604617) $1,000,000 of the amount for Air Force, research, development, test, and evaluation)

Of the funds in Title IV for Research, Development, Test and Evaluation, Air Force, $1,000,000 may be available for Integrated Medical Information Technology System.

AMENDMENT NO. 2430

(Purpose: To set aside for Air Crew Systems Development, Modular Helmet Development (PE 604264N) $3,000,000 of the amount for the Navy for research, development, test and evaluation)

Of the funds authorized in Title IV for appropriation for Research, Development, Test and Evaluation, Navy, $3,000,000 may be available for modular helmet.

AMENDMENT NO. 2431

(Purpose: To set aside for land forces readiness-information operations sustainment (PE 19640) $5,000,000 of the amount provided for the Army Reserve for operations and maintenance)

Of the funds available in Title II for Operation & Maintenance, Army Reserve, $5,000,000 may be available for land forces readiness-information operations.

AMENDMENT NO. 2432

(Purpose: To set aside $10,000,000 of other procurement, Navy funds for the NULKA decoy procurement)

At the appropriate place in the bill, insert the following:

SEC. . Of the total amount appropriated by title III of this division for other procurement, Navy, $10,000,000 may be available for the NULKA decoy procurement.

AMENDMENT NO. 2433

(Purpose: To facilitate the protection of the health of current and former workers at Iowa Army Ammunition Plant)

At the end of title VIII of division A, insert the following:

SEC. ____. (a) * * *.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting ", or its contractors or subcontractors," after "Department of Defense"; and

(2) in paragraph (3), by striking "stored, assembled, disassembled, or maintained" and inserting "manufactured, assembled, or disassembled".

(b) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(c) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (b), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(d) DEADLINE FOR ACTIONS.—The Secretary shall complete the actions required by subsections (b) and (c) not later than 90 days after the date of the enactment of this Act.

(e) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (b), the number of workers identified under subsection (c)(1)(A), the content of the notice to such workers under subsection (c)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (c)(1)(B).

AMENDMENT NO. 2434

(Purpose: To add funding for Air Force RDT&E for Low Cost Launch Vehicle Technology)

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" $1,000,000, may be available for Low Cost Launch Vehicle Technology.

AMENDMENT NO. 2435

(Purpose: To require a Comptroller General study of the physical state of Initial Entry Trainee housing and barracks of the Armed Services)

At the end of title VIII of division A, add the following:

SEC. 8135. (a) STUDY OF PHYSICAL STATE OF ARMED SERVICES INITIAL ENTRY TRAINEE HOUSING AND BARRACKS.—The Comptroller General of the United States shall carry out a study of the physical state of the Initial Entry Trainee housing and barracks of the Armed Services.

(b) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study carried out under subsection (a). The report shall set forth the results of the study, and shall include such other matters relating to the study as the Comptroller General considers appropriate.

(c) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" means—

(1) the Committees on Appropriations and Armed Services of the Senate; and

(2) the Committees on Appropriations and Armed Services of the House of Representatives.

AMENDMENT NO. 2436

(Purpose: To provide funds for a pilot program for the development of an efficient inventory management system for the Department of Defense)

On page 326, between lines 17 and 18, insert the following:

PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE

SEC. 8135. (a) Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, $1,000,000 may be available for the Secretary of Defense to carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program may be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(b) In entering into any contract for purposes of the pilot program, the Secretary may take into appropriate account current Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) Not later than one year after the date of the enactment of this Act, the Secretary may submit to Congress a report on the pilot program. The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations at the Secretary considers appropriate regarding expansion or extension of the pilot program.

AMENDMENT NO. 2437

(Purpose: To provide funds to carry out authorized military construction projects funds for which are diverted to military construction projects for the national emergency)

Strike section 902 of division B and insert the following:

SEC. 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.—If in exercising the authority in section 2808 of title 10, United States Code, to carry out military construction projects not authorized by law, the Secretary of Defense utilizes, whether in whole or in part, funds appropriated but not yet obligated for a military construction project previously authorized by law, the Secretary may carry out such military construction project previously authorized by law using amounts appropriated by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220), or any other appropriations Act to provide funds for the recovery from and response to the terrorist attacks on the United States that is enacted after the date of the enactment of this Act, and available for obligation.

AMENDMENT NO. 2438

(Purpose: To make available $2,000,000 for the Advanced Safety Tether Operation and Reliability/Space Transfer using Electrodynamic Propulsion (STEP–AIRSEDS) program (PE0602236N))

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR ADVANCED SAFETY TETHER OPERATION AND RELIABILITY/SPACE TRANSFER USING ELECTRODYNAMIC PROPULSION (STEP–AIRSEDS) PROGRAM.—Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION NAVY", $2,000,000 may be allocated to the Advanced Safety Tether Operation and Reliability/Space Transfer using Electrodynamic Propulsion (STEP–AIRSEDS) program (PE0602236N) of the Office of Naval Research/Navy Research Laboratory.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2439 THROUGH 2459, EN BLOC

Mr. INOUYE. Mr. President, on behalf of the managers of the bill, I ask unanimous consent that the Senate proceed to consider, vote on, and agree to the following amendments, en bloc: an amendment for Senator STABENOW, community service projects; an amendment for Senator STEVENS, NOAA; an amendment for Senator GREGG, date change; an amendment for Senator DURBIN, legislative branch, technical; an amendment for Senator SPECTER, intelligent transportation system; an amendment for Senator LANDRIEU, dirty bombs; an amendment for Senator MURRAY, apples; an amendment for Senator DOMENICI, waste isolation; an amendment for Senator DURBIN, Nutwood Levee; an amendment for Senator DOMENICI, electrical energy systems; an amendment for Senator HARKIN, essential air service; an amendment for Senator STEVENS, GSA provision; an amendment for Senator STEVENS, Postal Service product rates; an amendment for Senator BOND, Smithsonian Institution artifacts; an amendment for Senator DASCHLE, Kennedy Center; an amendment for Senator STEVENS, Cook Inlet Housing Authority; an amendment for Senator DOMENICI, dam safety; an amendment for Senator STEVENS, Alaska Native contracting; an amendment for Senators BIDEN and HOLLINGS on the National Railroad Passenger Corporation;

and an amendment for Senator DASCHLE on mining.

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

The amendments (Nos. 2439 through 2459) were agreed to, en bloc, as follows:

AMENDMENT NO. 2439

(Purpose: To establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001)

On page 201, after line 22, insert the following:

SEC. 1202. UNITY IN THE SPIRIT OF AMERICA.

(a) SHORT TITLE.—This title may be cited as the ''Unity in the Spirit of America Act'' or the ''USA Act''.

(b) PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''SEC. 401. PROJECTS.

''(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

''(b) IDENTIFICATION OF PROJECTS.—

''(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

''(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

''(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

''(2) IDENTIFIED PROJECTS.—The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

''(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization), an Indian tribe, or an institution of higher education.

''(d) PROJECTS.—The Foundation shall name, under this section, projects—

''(1) that advance the goals of unity, and improving the quality of life in communities; and

''(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

''(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.''.

AMENDMENT NO. 2440

On page 152, after line 19, insert:

SEC. 204. From within funds available to the State of Alaska or the Alaska Region of the National Marine Fisheries Service, an additional $500,000 shall be made available for the cost of guaranteeing the reduction loan authorized under section 144(d)(4)(A) of title I, Division B of Public Law 106–554 (114 Stat. 2763A–242) and that subparagraph is amended to read as follows: ''(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed through a reduction loan of $100,000,000 under section 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1279f and 1279g).''.

AMENDMENT NO. 2441

(Purpose: To improve the bill)

On page 205, after line 12, insert the following:

SEC. 104. Section 612 of P.L. 107-77 is amended by striking ''June 30, 2002'' and inserting ''April 1, 2002''.

AMENDMENT NO. 2442

On page 209, after line 25, insert:

SEC. 110. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2001, (Public Law 107–68) is amended—

(1) by striking ''90-day'' in paragraph (1) and inserting ''180-day'', and

(2) by striking ''90-days'' in paragraph (2)(C) and inserting ''180 days''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 (Public Law 107–68).

AMENDMENT NO. 2443

(Purpose: To expedite the deployment of the intelligent transportation infrastructure system)

On page 191, after line 12 insert:

SEC. 1001.—Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

''(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).'';

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

''(E) DEFINITIONS.—In this paragraph:

''(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

''(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia.''; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

AMENDMENT NO. 2444

(Purpose: To provide that funds available to improve nuclear nonproliferation and verification research and development shall be available to research and development with respect to radiological dispersion devices)

In chapter 5 of division B, under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' under the paragraph ''DEFENSE NUCLEAR PROLIFERATION'', insert after ''nuclear nonproliferation and verification research and development'' the following: ''(including research and development with respect to radiological dispersion devices, also known as 'dirty bombs')''.

AMENDMENT NO. 2445

On page 138, after line 2, insert the following:

SEC. 101. Section 741(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (P.L. 107–76), is amended by striking ''20,000,000 pounds'' and inserting ''5,000,000 pounds''.

AMENDMENT NO. 2446

(Purpose: Technical modification of authority to improve safety of transportation routes to the Waste Isolation Pilot Plant)

On page 165, after 22, insert the following:

SEC. 501. Of the funds provided in this or any Act for ''Defense Environmental Restoration and Waste Management'' at the Department of Energy, up to $500,000 may be available to the Secretary of Energy for safety improvements to roads along the shipping route to the Waste Isolation Pilot Plant site.

AMENDMENT NO. 2447

(Purpose: To make a technical correction to the FY 2002 Energy and Water Appropriations Act, P.L. 107–66 for Nutwood Levee, IL)

On page 165, after line 22, insert the following:

SEC. 503. NUTWOOD LEVEE, ILLINOIS.—The Energy and Water Development Appropriation Act, 2002 (Public Law 107–66) is amended under the heading ''Title I, Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Construction, General'' by inserting after ''$3,500,000'' but before the ''.'' '': *Provided further*, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may initiate construction on the Nutwood Levee, Illinois project''

AMENDMENT NO. 2448

(Purpose: To make available, with an offset, an additional $14,000,000 for the electric energy systems and storage program of the Department of Energy)

On page 165, after line 22, add the following:

SEC. 502. Title II of the Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended by adding at the end the following new section:

''SEC. 313. (a) INCREASE IN AMOUNT AVAILABLE FOR ELECTRIC ENERGY SYSTEMS AND STORAGE PROGRAM.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY' is hereby increased by $14,000,000, with the amount of the increase to be available under the paragraph for the electric energy systems and storage program.

''(b) DECREASE IN AMOUNT AVAILABLE FOR DEPARTMENT OF ENERGY GENERALLY.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' (other than under the heading ''National Nvd. Security Administration or under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY') is hereby decreased by $14,000,000, with the amount of the decrease to be distributed among amounts available under the heading 'DEPARTMENT OF ENERGY' in a manner determined by the Secretary of Energy and approved by the Committees of Appropriations.''.

AMENDMENT NO. 2449

(Purpose: To assure minimum service levels under the Essential Air Service Program)

On page 186, line 22, before the period, insert: *Provided,* That it is the Sense of the Senate that funds provided under this paragraph shall be used to provide subsidized service at a rate of not less than three flights per day for eligible communities with significant enplanement levels that enjoyed said rate of service, with or without subsidy, prior to September 11, 2001.''.

AMENDMENT NO. 2450

On page 196, after line 16, insert:

SEC. 1101. None of the funds appropriated by this Act or any other Act may be used after June 30, 2002 for the operation of any federally owned building if determined to be appropriate by the Administrator of the General Services Administration; or to enter into any lease or lease renewal with any person for office space for a federal agency in any other building, unless such operation, lease, or lease renewal is in compliance with a regulation or Executive Order issued after the date of enactment of this section that requires redundant and physically separate entry points to such buildings, and the use of physically diverse local network facilities, for the provision of telecommunications services to federal agencies in such buildings.

AMENDMENT NO. 2451

(Purpose: To set new criteria and rates for delivery of services under Section 5402 of Title 39)

On page 195, on line 20 before the period, insert: ''*Provided,* That the Postal Service is authorized to review rates for product delivery and minimum qualifications for eligible service providers under section 5402 of title 39, and to recommend new rates and qualifications to reduce expenditures without reducing service levels.''

AMENDMENT NO. 2452

On page 168, after line 9, insert:

SEC. 601. (a) IN GENERAL.—The Secretary of the Smithsonian Institution may collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

(b) TYPES OF ARTIFACTS.—In carrying out subsection (a), the Secretary of the Smithsonian Institution shall consider collecting and perserving—

(1) pieces of the World Trade Center and the Pentagon;

(2) still and video images made by private individuals and the media;

(3) personal narratives of survivors, rescuers, and government officials; and

(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

(c) There is authorized to be appropriated to the Smithsonian Institution $5,000,000 to carry out this section.

AMENDMENT NO. 2453

(Purpose: To increase the number of general trustees of the John F. Kennedy Center for the Performing Arts and to designate the Secretary of State as a trustee)

At the appropriate place, insert the following:

SEC. ___. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) MEMBERSHIP.—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking ''There is hereby'' and inserting the following:

''(1) IN GENERAL.—There is''; and

(2) by striking the second sentence and inserting the following:

''(2) MEMBERSHIP.—The Board shall be composed of—

''(A) the Secretary of Health and Human Services;

''(B) the Librarian of Congress;

''(C) the Secretary of State;

''(D) the Chairman of the Commission of Fine Arts;

''(E) the Mayor of the District of Columbia;

''(F) the Superintendent of Schools of the District of Columbia;

''(G) the Director of the National Park Service;

''(H) the Secretary of Education;

''(I) the Secretary of the Smithsonian Institution;

''(J)(i) the Speaker and the Minority Leader of the House of Representatives;

''(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

''(iii) 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

''(K)(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

''(iii) 3 additional Members of the Senate appointed by the President of the Senate; and

''(L) 36 general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).''.

(b) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a ''new general trustee''), except that the initial term of office of each new general trustee shall—

(1) commence on the date on which the new general trustee is appointed by the President; and

(2) terminate on September 1, 2007.

AMENDMENT NO. 2454

On page 168, after line 9, insert the following:

SEC. 602. (a) GENERAL TRUSTEES.—

(1) IN GENERAL.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is amended in its last clause by striking out the word ''thirty'' and inserting in lieu thereof the word ''thirty-six''.

(2) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—

(A) INITIAL TERMS OF OFFICE.—

(i) COMMENCEMENTS OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this Act shall commence upon appointment by the President.

(ii) EXPIRATIONS OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this Act shall continue until September 1, 2007.

(iii) VACANCIES AND SERVICE UNTIL THE APPOINTMENT OF A SUCCESSOR.—For all new general trustee offices created by this Act, subsections (b)(1) and (b)(2) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) shall apply.

(B) SUCCEEDING TERMS OF OFFICE.—Upon the expirations of the initial terms of office pursuant to Section 1(b)(1) of this Act, the terms of office for all new general trustee offices created by this Act shall be governed by subsection (b) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h).

(b) EX OFFICIO TRUSTEES.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by inserting in the second sentence ''the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives,'' after ''the Secretary of the Smithsonian Institution,''.

(c) HOUSEKEEPING AMENDMENT.—To conform with the previous abolition of the United States Information Agency and the transfer of all functions of the Director of the United States Information of Agency to the Secretary of State (sections 1311 and 1312 of Public Law 105–277, 112 Stat. 2681–776), subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by striking in the second sentence ''the Director of the United States Information Agency,'' and inserting in lieu thereof ''the Secretary of State,''.

AMENDMENT NO. 2455

(Purpose: To allow for expenditures of previously appropriated housing funds)

On page 201, after line 22, insert the following:

SEC. 1201. Within funds previously appropriated as authorized under the Native American Housing and Self Determination Act of 1996 (Pub. L. 104–330, §§1(a), 110 Stat. 4016) and made available to Cook Inlet Housing Authority, Cook Inlet Housing Authority may use up to $9,500,000 of such funds to construct student housing for Native college students, including an on-site computer lab and related study facilities, and, notwithstanding any provision of such Act to the contrary, Cook Inlet Housing Authority may use a portion of such funds to establish a reserve fund and to provide for maintenance of the project.''

AMENDMENT NO. 2456

(Purpose: To make a technical correction to the FY 2002 Energy and Water Appropriations Act, P.L. 107–66 for the Bureau of Reclamation Dam Safety Program)

On page 165, after line 22, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. 501. The Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows:

(1) by inserting in Section 4(c) after ''2000,'' and before ''costs'' the following: ''and the

additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001,''; and

(2) by inserting in Section 5 after ''levels),'' and before ''plus'' the following: ''and, effective October 1, 2001, not to exceed an additional $32,000,000 (October 1, 2001, price levels),''.

AMENDMENT NO. 2457

(Purpose: To clarify Federal procurement law for certain qualified entities)

On page 168, after line 9, insert the following new section:

SEC. 603. Section 29 of P.L. 92–203, as enacted under section 4 of P.L. 94–204 (43 U.S.C. 1626), is amended by adding at the end of subsection (e) the following:

''(4)(A) Congress confirms that Federal procurement programs for tribes and Alaska Native Corporations are enacted pursuant to its authority under Article I, Section 8 of the United States Constitution.

''(B) Contracting with an entity defined in subparagraph (e)(2) of this section or section 3(c) of P.L. 93–262 shall be credited towards the satisfaction of a contractor's obligations under section 7 of P.L. 87–305.

''(C) Any entity that satisfies subparagraph (e)(2) of this section that has been certified under section 8 of P.L. 85–536 is a Disadvantaged Business Enterprise for the purposes of P.L. 105–178.''.

AMENDMENT NO. 2458

At the appropriate place in the bill insert:

No appropriated funds or revenues generated by the National Railroad Passenger Corporation may be used to implement Section 204(c)(2) of P.L. 105–134 until the Congress has enacted an Amtrak reauthorization Act.

AMENDMENT NO. 2459

(Purpose: To provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes)

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

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. I yield the floor.

NAVAL SHIPBUILDING

Ms. COLLINS. Mr. President, I rise today to discuss with the distinguished chairman and ranking member of the Appropriations Subcommittee on Defense, a matter of great importance to our national security—our naval shipbuilding programs. As my colleagues are aware, both the House and Senate national Defense authorization bills for the current fiscal year contain provisions supporting continued production of the DDG–51 *Arleigh Burke*-class destroyers, the investment of research and development in a next generation destroyer or ''DD(X)'' program, and advanced procurement for the LPD 17 program. I am elated to see that the Senate version of the Defense Appropriations bill for FY2002 contain similar provisions, but troubled by the action that was taken in the house, particularly on the DD(X) program.

I appreciate the chairman and ranking Member's support for these shipbuilding programs and would like to take a few minutes to discuss the vital need for them. All of these programs are critical to sustaining a strong forward deployed naval presence, while addressing the anti-access challenges faced by our men and women who continue to protect our nation's assets, interests, and freedom.

Mr. INOUYE. Mr. President, I join with the Senator from Maine in recognizing the critical need for us to acquire and modernize our naval fleet in order to strengthen our Navy and Marine Corps for the 21st century. The Senator from Main has been a real advocate for the Navy's shipbuilding programs and I look forward to this and future discussions on these very important issues.

Ms. COLLINS. I thank the distinguished Chairman and would like to begin with the DDG–51 *Arleigh Burke*-class destroyer, which has been the backbone of the Navy's surface fleet. The Navy has indicated in its most recent study of the *Arleigh Burke* (DDG–51)-class destroyer industrial base, and in testimony before the Senate Armed Services Committee, that three DDG–51 destroyers per year is the most economical rate of procurement. Last year, the National Defense Authorization Act provided the authority to the Secretary of the Navy to enter into contracts to procure three vessels in each fiscal year 2002 and 2003. The FY2002 National Defense Authorization bill includes $2.966 billion for the procurement of three *Arleigh Burke*-class destroyers.

This year, the Senate Armed Services Committee added report language agreeing with the Navy's long standing assessment that the destroyer industrial base is at risk unless three destroyers are built each year, or unless the destroyer shipbuilders attain significant other work beyond their historic level. As such, the FY2002 national Defense authorization report reiterates that the Secretary of the Navy should include procurement of three *Arleigh Burke*-class destroyers in the FY2003 budget request. I strongly support the inclusion in the fiscal year 2003 defense budget of a third DDG–51, which would be built at Bath Iron Works in my home state. The integrity of our shipbuilding industrial base largely depends upon it. I would ask that chairman and ranking Member whether they agree with me on this important point.

Mr. STEVENS. I join my colleague in her expressed concern with the procurement rate of the DDG–51 program. I am particularly sensitive to recent reports that indicate the DDG–51 procurement rate is projected to drop below three ships per year after FY2002 for the first time in the program's history. Such a rate could place this unique, specialized industrial base at risk to meet future naval requirements. It could, in fact, jeopardize efforts to sustain an adequately sized surface force and maintain the continued affordability of the ships required for our future naval forces. And so I do support the inclusion of a third DDG–51, to be built by Bath Iron Works, in next year's budget.

Mr. INOUYE. Mr. President, my colleagues are correct in stating that the DDG–51 *Arleigh Burke*-class destroyers have played, and will continue to play, a critical role as a vital part of our naval fleet. The DDG–51 program is a mature and highly successful major acquisition program providing front-line state-of-the-art combatants for the fleet. At the same time, we need to make a smooth transition from the DDG–51 to a next generation destroyer. Our committee will continue to support the DDG–51 program and the transition to building a next generation destroyer.

Ms. COLLINS. The next generation destroyer, now the DD(X) program, is the Navy's future and way ahead to transform our naval forces to meet the challenges of the 21st century. This program, which will emphasize a common hullform and technology development, will form the foundation of our future destroyer and cruiser production. The Navy will use the advanced technology and networking capabilities from the DD(X) in the development of additional ships in the DD(X) family of ships program. As Chief of Naval Operations testified before the Senate Armed Services Committee, earlier this year, the DD(X) program ''is central to our [naval] transformation effort . . . and is another step toward the creation of a more integrated Navy/Marine Corps team.'' It is therefore critical that the Senate's FY2002 budget level for the DD(X) program be increased or at least retained in conference.

Mr. STEVENS. I could not agree more with my colleague that while there is some uncertainty surrounding the restructuring of the DD–21 program, a continued investment and commitment to a next generation destroyer needs to be sustained to transform the Navy and Marine Corps. While we are waiting for that program to develop, it makes sound defense, fiscal, and industrial base policy to sustain an annual three-ship DDG–51 procurement rate after FY2002, and most immediately, in FY2003, and I encourage the Navy to do so.

Ms. COLLINS. Mr. President, I also would like to briefly speak on the LPD–17 program, which is a critical ship for the modernization of the Navy's amphibious force. Each of these ships can carry more than 700 Marines and their equipment to shore to perform their mission. The LPD–17 program is critical to replace four aging classes of ships and to significantly increase the operational capabilities of the Marine Corps.

Mr. STEVENS. I have always been a supporter of the LPD–17 program and the committee very much appreciates

the need for the lift capacity of this ship. In 2010, when the last LPD–17 class ship is scheduled to join the fleet, the amphibious force will consist of 36 ships or 12, three-ship Amphibious Ready Groups (ARGs), consisting of one LHA or LHD, one LPD and one LSD. I assure you that we are committed to seeing this program through production.

Ms. COLLINS. As always, I am impressed by the ranking member's knowledge and his grasp of the issues, and I appreciate that we are in agreement as to the value and need for this critical ship. I look forward to our continued work together in support of this and all of these shipbuilding programs.

Mr. INOUYE. I thank the Senator from Maine for her continued commitment to our naval forces ensuring that we build enough ships to meet the Nation's defense needs. I recognize and am sensitive to the fact that the Navy needs to sustain an investment of $10 to $12 billion in the shipbuilding account to maintain a minimum shipbuilding rate of 8–10 ships per year before it will be able to fulfill all the required missions for our naval forces, and I will work with the Navy and my colleagues in the Senate to address this issue. I thank my colleague for her dedication to these issues and I look forward to continuing these types of discussions on the critical needs of our military forces.

Ms. COLLINS. Again, I thank the chairman and ranking member for their forthrightness, their knowledge and their determination to keep America strong. I also commend them for their continued dedication to our men and women in uniform and the efforts they have undertaken in this important appropriations bill to provide them with the compensation, tools and equipment they need to maintain America's pre-eminence in the world.

CRUSADER PROGRAM

Mr. NICKLES. Mr. President, I am concerned about the funding reductions to the Crusader program, and the impact that may have on the procurement of long lead items for the Crusader. The Crusader is an important new weapon system for the Army and we should not do anything that could delay this important program during this critical time that we are now in.

Mr. INOUYE. I assure my friend from Oklahoma that we will do what we can in the conference to ensure adequate funding for the Crusader.

Mr. STEVENS. I know my friend from Oklahoma has been watching the Crusader program for some time and is keenly interested in its progress, as is the Army. I want to add my assurance to that of the chairman's that we will do all we can in conference to ensure the Crusader is not delayed by inadequate funding.

DEFENSE PERSONNEL RECORDS IMAGING SYSTEM

Mr. THOMPSON. Mr. President, will the ranking member yield briefly for the purpose of a colloquy?

Mr. STEVENS. I yield to the Senator from Tennessee for the purpose of a colloquy.

Mr. THOMPSON. Mr. President, I'd like to bring to the attention of the Senate an important information technology program. The Defense Personnel Records Imaging System (DPRIS) is the follow-on records management system needed to process, store, and distribute military personnel information.

Currently, DPRIS is not ready to move from the Concept Advanced Demonstration phase to the System Integration phase. In order for the program to complete developmental activities to mature the system to the point that it is ready for Low-Rate Initial Production, $2 million is required for further demonstration/validation work.

Mr. President, the recent call up of thousands of National Guardsmen and Reservists to respond to the war on terrorism has further taxed an already overburdened personnel records management system. We need to get DPRIS completely through R&D, so we can make a smooth transition from the old system to the new.

I know the chairman and ranking member of the Defense Appropriations Subcommittee understand the importance of this program, and would hope that they would give this DPRIS funding every consideration during conference with the House. At a minimum, I hope the chairman and ranking member will encourage the Department of Defense to either reprogram funds for this purpose, or to request these funds in a supplemental appropriations request that is likely to come early next year.

Mr. STEVENS. Mr. President, the Senator from Tennessee raises an important issue in this IT program. We will do our best to work with the Senator on this matter during the conference with the House. We will also work with the Senator and the Department of Defense on this issue in the future.

Mr. THOMPSON. Mr. President, I thank the chairman and ranking member for their attention to this matter, and appreciate the challenges they face in crafting the Department of Defense spending bill.

SMART PAY CARD PROGRAM

Mr. BURNS. I rise to ask a point of clarification by the chairman and ranking member relating to a letter that Senator BAUCUS and I sent to the CBO regarding the use of the Smart Pay Card used by Department of Defense employees, the armed services, and contractors with the Department of Defense.

Mr. STEVENS. I yield, for the purpose of your question regarding the Smart Pay Card.

Mr. BURNS. I thank the Senator. At this point, I would ask unanimous consent that the November 15, 2001 letter from Senator BAUCUS and me to CBO Director, Dan Crippen, be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
Washington, DC, November 15, 2001.

Mr. DAN L. CRIPPEN, Director,
Congressional Budget Office, Ford House Office Building, Washington, DC.

DEAR MR. CRIPPEN: In view of the increased federal expenditures generated as a result of the September 11 terrorist attacks, we believe that, more than ever, the federal government should explore new ways of managing federal outlays by adopting more efficient ways to control federal spending. In that regard, we are requesting CBO to score our proposal for improvements to the GSA SmartPay program, which we believe will provide to the GSA's management of the SmartPay program a positive material effect on the fiscal operations of current and future implementations of SmartPay programs. We would like your comments on the following proposal.

By way of background, the SmartPay program was established in 1998 to improve the speed of acquisition and reduce the cost of payments handling for many classes of purchases and acquisitions in the federal agencies, offices and departments. There are approximately 3.5 million active cards, accounting for approximately $20 billion in annual purchases. The GSA estimates that the SmartPay card programs currently save the government approximately $1.2 billion annually in administrative costs. While these numbers are impressive, recent congressional hearings convince us that there have also been tens of millions of dollars of rebate opportunities lost by the government due to card misuse, along with millions in additional savings that have not been realized in the program's implementation thus far.

THE PROPOSAL

There are four specific areas of proposed savings that we would like you to examine:

1. *Pricing Concession Management:* PCM is the measure of unit pricing reductions enjoyed by the government as a result of discount agreements with high-use vendors.

a. Roughly 200 retailers nationwide represent 65% of all Visa and MasterCard credit card purchases today. It is our belief that analysis of SmartPay use might show analogous concentrations, and would allow for targeted negotiations with key vendors who provide significant levels of products and services to the federal government.

b. There are currently few if any discounts being offered for SmartPay users that are directly tied to the SmartPay card as the purchase mechanism.

c. Based on the volume of SmartPay use today, we estimate that there is over $50 million available in discounts from volume purchase agreements that could be negotiated if more detailed analysis were being routinely performed on government-wide purchases made with SmartPay products.

2. *Rebates Management:* RM is the aggressive tracking, invoicing, and collection of all applicable rebates that are negotiated with SmartPay issuers. RM improvements consist of collection all existing rebates and future rebates as well as ensuring that the Issuing Banks are correctly calculating the rebates.

3. *Loss and Abuse Reduction:* GSA rebates from SmartPay card issuers are net of chargeoffs within the program. Currently, these chargeoffs amount to more than $55 million, and delinquency rates on T&E cards are between 7–14%.

a. GSA should enable the use of commercially proven strategies and technologies for reducing, minimizing, or eliminating the current unacceptable level of fraud or abuse losses on the card programs, such strategies

could save a significant portion of the $55 million.

b. Using the best practices employed by card issuers, as well as those used by corporations for their own card programs, will provide benefits from both the Issuer and the User side of SmartPay programs.

4. *Increasing SmartPay Administrative Efficiencies:* Outsourcing portions of the management of the SmartPay program will allow for application of commercially proven expertise in some areas. It will also serve to expedite timely approval of card charges and increase risk review and validation. As a result, existing personnel will be able to spend less time on the activities required for approving, processing, monitoring, and validating all of the administrative functions associated with procurement, payment and audit processes.

a. Automated Daily Approval and Control: Using an outside vendor's system to automated many of the paper processes currently in many SmartPay program implementations would save significant time for SmartPay administrative personnel in the various departments and agencies that use the programs.

b. Statement Reconciliation and Payment Approval: Using an outside vendor to perform statement reconciliations, payment approval authorization, and exception reporting will lower fraud as well as the cycle time required to identify potential fraud or abuse issues.

For additional information on our proposal please contact Zak Andersen in Senator Baucus's office and Stan Ullman in Senator Burns's office.

We appreciate your active consideration of this matter, and we would welcome your office's analysis of this proposal before the next budget cycle begins early next year.

Sincerely,

MAX BAUCUS,
U.S. Senator.
CONRAD BURNS,
U.S. Senator.

Mr. BURNS. Before asking my first question, I want to provide a very brief context for my letter to CBO and the issues I will be raising. The subject of the letter is whether the federal government can save even more money than it has been saving with the use of the Smart Pay Card program. This matter was brought to the attention of Senator BAUCUS and myself by Michael B. Walker, a Montanan who has considerable experience in the credit industry. Mr. Walker, who is CEO of Payment Programs Management Corporation, believes that there is an opportunity for the federal government to save hundreds of millions of more dollars with its use of credit cards issued to federal employees. Senator BAUCUS and I wanted to get an independent confirmation of those savings from the CBO before encouraging Congress to adopt the refinement outlined in our letter. It is my understanding that CBO will score the various proposed improvements in our letter before the end of this year, but the scoring may not arrive in time to affect appropriations bills for the current fiscal year. Since the largest users of the card are the employees of DOD, I thought that it would be appropriate to raise this matter in connection with this bill. Assuming that CBO does respond with a scoring that the improvements suggested in our letter will potentially save hundreds of millions of dollars, will the Senator from Alaska tell me whether he will work with the Department of Defense to encourage the consideration of any and all potential savings and benefits suggested in the letter send to CBO by Senator BAUCUS and myself?

Mr. STEVENS. I would be happy to work with the Senator.

Mr. BURNS. I thank the Senator. My next question is a follow up question. Assuming that the armed services are prepared to offer proposed improvements in the use of federal credit cards, would you encourage them to work with the General Services Administration, which is charged with the overall administration of the Smart Pay Card Program, to get these improvements adopted?

Mr. STEVENS. I would be happy to work with the Senator to ensure every opportunity to meet with the General Services Administration and discuss this important issue.

NETFIRES—FOGM

Mr. SHELBY. Mr. President, I applaud and share Senator INOUYE's desire to strongly support the Army in its transformation to a lighter, more deployable, agile, lethal and survivable force, in order to meet the challenges we have today and certainly expect in the future. This transformation to an Objective Force is very ambitious in terms of new capabilities, and I think we should all recognize the significant technological risks associated with this endeavor.

Mr. INOUYE. I thank the Senator for his support as a member of the subcommittee and for his work on this bill. Army transformation is ambitious, and, while we are all very supportive of the Army's efforts to transform, I know we are equally sensitive to the technology challenges facing the Army.

Mr. SHELBY. While the Objective Force and the Future Combat System are relatively new terms, many people may not be aware that Army scientists and engineers have been working on transformation technology since before the end of the cold war. For example, the Fiber Optic Guided Missile, FOGM, has been demonstrated with soldiers and has performed most of the objectives required for the artillery component of the Future Combat System known as NetFires. FOGM is inherently immune to radio-frequency jamming, a serious concern for NetFires. It does not require a not-yet-developed automatic target recognition capability like NetFires. It is soldier-proven technology already in service or in development in several other countries. It offers the potential for significant savings in time and money in getting to low rate initial production, compared with NetFires. I fully support work on leap-ahead technology programs like NetFires, but I believe we should take prudent steps to mitigate against high risk programs by continuing work on alternative capabilities.

Mr. INOUYE. As we know well, all weapon development programs involve significant risk. The NetFires—FOGM example is instructive. We will continue to monitor the Future Combat System program as the required technologies mature, and the Senator can be sure we will continue to pay close attention to alternative capability programs.

Mr. SHELBY. I believe the off-the-shelf FOGM can provide an acceptable alternative to NetFires if circumstances require it. I know that with Senator INOUYE's leadership, we will keep on top of these critical technology issues. I look forward to our continuing to work together as we face funding decisions about these important transformation programs.

PROJECT ALPHA

Mr. HARKIN. Mr. President, I wish to engage in a brief colloquy with the chairman of the subcommittee. We are all too aware of the terrible terrorist threats we face and of the difficulty in predicting and assessing these threats. I have been especially concerned about possible threats to the U.S. food supply and about our lack of protections and monitoring of our food.

Project Alpha is a proactive approach using advanced technologies, expert systems, and thinking ''outside the box'' in order to predict, assess, and analyze terrorist threats. I am proud that Iowa State University and the National Animal Disease Center in Ames, IA, would play a key role in this project. I hope the committee will open to the use of funds in this bill, and I ask for the chairman's support for implementation of Project Alpha and its National Decision Assessment Immersion Center, with emphasis on protecting the U.S. food supply.

Mr. INOUYE. I am aware of the potential of Project Alpha and of the participation of the Maui High Performance Computing Center as another key partner. You can be sure I will give careful consideration to this project as we guide this bill through conference.

BIOINFORMATICS

Mrs. CLINTON. Mr. President, I wish to engage my colleague, the distinguished chair of the Defense Appropriations Subcommittee, in a colloquy.

Mr. INOUYE. Mr. President, I will be glad to engage in a discussion with Senator CLINTON.

Mrs. CLINTON. Mr. President, I thank the senior Senator from Hawaii. I want to discuss the emerging field of Bioinformatics. Bionformatics has become one of our most important emerging technologies. Bioinformatics is the use of high-powered computing techniques to analyze the data generated by the Human Genome Project. Massive computing power is needed in order to interpret this vast amount of data. The University at Buffalo is seeking to establish a Center of Excellence in Bioinformatics. The University at Buffalo is home to the Center for Computational Research, one of the top ten

supercomputing sites in the nation. The University at Buffalo would forge an academic and industrial partnership with renowned academic, medical, and research institutions, including Binghamton University. Will the Senator agree that Buffalo's blend of leading academic, research, industrial, and medical institutions make Buffalo an ideal location for a Center of Excellence in Bioinformatics?

Mr. INOUYE. I agree with my colleague that Buffalo is an ideal location for a Center of Excellence in the important emerging field of bioinformatics.

Mrs. CLINTON. I thank my colleague. I am aware that funds are made available in both the House version of the Defense appropriations fiscal year 2002 bill and the bill the Senator has proposed. I ask that the Senator from Hawaii support as much funding for bioinformatics programs as possible, within the fiscal constraints we face, as the Defense spending bill completes conference.

Mr. INOUYE. I assure the Senator we will do all we can.

HYBRID ELECTRIC VEHICLE TECHNOLOGIES

Mr. SCHUMER. Mr. President, it is my understanding that the fiscal year 2002 Defense appropriations bill contains funding for Hybrid Electric Vehicle, HEV, technologies. I am seeking the chairman's assistance to ensure that the funding in this bill for HEVs will also be dedicated to the work of applying currently developed and demonstrated HEV technology to a weapons system.

The U.S. Army High Mobility Artillery Rocket System, HIMARS, program has an HEV initiative that will put hybrid propulsion on the Family of Medium Tactical Vehicles, FMTV, platform. As the chairman well knows, the Army has identified Hybrid Electric Drive as the key technology for transformation. Hybrid electric propulsion provides greater fuel and logistics cost savings, increased survivability thorough silent mode operations, provides improved mobility, and supplies a new capability to the vehicle systems power management that currently does not exist within any Army weapons system. This initiative that I am referring to will jump-start the Army's effort to weaponize an HEV platform with the HIMARS program. The timing of these funds for this conversion effort of HIMARS to HEV is critical. Providing the funds now, in fiscal year 2002, would allow the hybrid drive initiative to dovetail with the current production planned for HIMARS. Missing the opportunity this year would require untimely changes to the HIMARS production line, and would be excessively more expensive for the U.S. Army conversion to the HEV platform.

This significant HEV series technology has already been accomplished under the Dual Use Science and Technology initiative by the National Automotive Command under TACOM contract. The contract converted the FMTV platform into series HEV technology. The contract should be continued for a timely series HIMARS HEV conversion. It is my understanding that the FY 2002 MRLS Product Improvement Program line contains $20 million of which $10 million should be programmed to begin the timely conversion of the hybrid series FMTV truck to a HIMARS series hybrid electric vehicle platform. I urge the Chairman to support this important transformation project.

Mr. INOUYE. I agree with the senior Senator from New York that HEV technology is vital to the future success of the Army transformation and believe the Congress should support such technologies. This initiative of placing series HEV on a current successful weapon development program leverages the existing technologies and is the right course of action. I understanding that this modification will support initiating the timely introduction of series HEV onto a HIMARS platform. I can assure the senior Senator from New York that this committee will review this issue during the conference. I understand that utilizing the existing contract and previous accomplished work may be the best means to leverage the taxpayers' investment, as well as to accelerate the HEV weaponization for Army transformation.

Mr. SCHUMER. I appreciate the leadership that Senator INOUYE is taking on this issue in light of today's recognized need to accelerate the Army's transformation and reduction of logistic infrastructure and skyrocketing costs associated with supporting fuel requirements on today's battlefields.

Mr. INOUYE. I will ensure that the committee will thoroughly review this issue during the conference of the Defense appropriations bill.

CRUSADER PROGRAM

Mr. INHOFE. Mr. President, I say to Senator STEVENS that I appreciate all his hard work on the Defense appropriations bill. I would like to discuss pending actions on the Crusader Program. Crusader is a critical transformation system, which is already a generation ahead of the existing Paladin system. When fielded, Crusader will have unparalleled rate of fire, range of fire and lethality unmatched by any system in the world. We must continue to fund this program in its entirety. To do this we must put $80,972,000 into the Defense appropriations bill. Again, I thank the Senate and the committee for their hard work.

Mr. STEVENS. I agree with my colleague, Senator INOHFE, and I also feel that this program warrants full funding under the Defense appropriations bill. During conference we must restore the funding in its entirety.

Mr. NICKLES. I share the concerns of Senator INHOFE and I, too, believe that we need to fully fund the program. The Crusader is meeting performance tests; it is on schedule and on budget. We must address the funding requirements in conference.

Mr. INOUYE. The Crusader Program is vital to Army transformation and should be fully funded to meet the needs of the Army.

Mr. INOUYE. Mr. President, I say to Senators STEVENS, INOUYE, and NICKLES that I appreciate their attention and continued support on this matter.

CONSOLIDATED INTERACTIVE VIRTUAL INFORMATION CENTER

Mr. HARKIN. Mr. President, I wish to engage in a brief colloquy with the chairman of the subcommittee. There is an important project in the Iowa National Guard to bring unique networking and secure storage capabilities to bear on distance learning and simulations, including real-time simulations at multiple sites. The Consolidated Interactive Virtual Information Center has taken on new immediacy since September 11 along with the National Guard as a whole. It has been used to train Guard members in protecting our airports and could play a critical role in homeland defense.

I am pleased that the Appropriations Committee has recommended this project for funding within National Guard distance learning accounts, but I wanted to clarify the intent. Is it your expectation that the CIVIC project will receive sufficient funding for a second year of development, and a level at least equal to last year's?

Mr. INOUYE. I am happy to recognize the value of the CIVIC project. While there are other worthy distance learning programs, it is important that sufficient funds be made available to the CIVIC project for its continued development at a level at least as great as last year. In addition, as stated in the committee report, I hope this worthy project will be funded in next year's budget.

TRANSIT CAPITAL INVESTMENT GRANTS

Mr. SCHUMER. Mr. President, I rise to enter into a brief colloquy with the distinguished chairman of the Senate Appropriations Committee regarding a section which would provide $100,000,000 in badly needed transit capital investment grants to those transit agencies that were most severely impacted by the terrorist attacks of September 11, 2001.

Mr. Chairman, it is my understanding that the Metropolitan Transportation Authority (MTA) of New York State and the Port Authority Trans-Hudson (PATH) commuter rail system as well as transit authorities in New Jersey would be eligible for the assistance provided under this provision as these agencies would have to be considered among the most severely impacted by the terrorist attacks of September 11, 2001.

Mr. BYRD. The Senator from New York is correct.

Mr. SCHUMER. It is also my understanding that the portion of this provision that precludes any transit agency that receives a direct Federal payment under any other section of this bill from receiving any of the $100,000,000 in

capital investment grants is not intended to apply to the Metropolitan Transportation Authority, the Port Authority Trans-Hudson commuter rail system; or the transit authorities in New Jersey.

Mr. BYRD. The Senator from New York is correct. That provision is intended to address the Washington, D.C. Metro System, which receives a direct federal payment elsewhere in the bill.

Mr. SCHUMER. I thank the distinguished chairman of the Senate Appropriations Committee, the Senator from West Virginia, for his clarification on this point and for his leadership on this essential homeland security package. Mr. President, I yield the floor.

ANIMAL RESEARCH FACILITIES

Mr. HARKIN. Mr. President, after many visits over the years to the animal disease facilities at Ames, Iowa, I am all too aware of the very great need to modernize them, providing the security, safety, and capability to conduct necessary work that will both protect animal agriculture and human health as well. The Appropriations Committee concurred when it approved the amendment proposed by Senator BYRD that provided very necessary funds for those facilities those at Plum Island.

We do not know when a major emergency will be upon us for which these facilities could be crucial. Hopefully, we will have them built when that time comes. In order to maximize the likelihood that will be the case, I believe it is clear that the Secretary should do all that she can to accelerate the design and the construction of the Ames, Iowa facilities, and the design of facilities at Plum Island.

Clearly, to the extent that it is prudent, the authorities that are available should be used in the Federal Acquisition Regulations to accelerate the planning, design of the entire modernization plan, and the construction of those facilities for which funds are available. I also expect that the Department will provide appropriate support to maximize the speed of planning design and construction, moving to the construction phases as soon as possible for this important project. Certainly, the portion of the design for which construction funds are available should receive the highest priority.

Mr. KOHL. Mr. President, I fully concur with the remarks of the Senator from Iowa and the chairman of the Senate Agriculture Committee. The Department should move with the greatest dispatch to design and construct these biosecurity-3 facilities. It is important that we move forward quickly in order to enhance research in this critical area, and it is also important that research facilities of this nature be in compliance with very strict biosecurity standards. Every area of our nation would see very significant damage to animal agriculture if certain diseases manifest themselves. The Department should use the authorities it has to accelerate the design and construction of these important facilities.

CALIFORNIA ANTI-TERRORISM INFORMATION CENTER

Mrs. FEINSTEIN. Mr. President, I rise with my colleague from California and the chairman of the Appropriations Committee to address the dangerous gap that exists in the counterterrorism intelligence network in this country. Information pertaining to terrorist threats is not currently collected in a centralized place for review, analysis, and dissemination. Statewide counter terrorist data is therefore not accessible to every law enforcement agency that may need it. The collection, analysis, and accessibility of this information to law enforcement are critically important to protect the health and safety of citizens.

In late September, the California Governor and Attorney General signed a memorandum of understanding that established The California Anti Terrorism Information Center (CATIC) to address this critical problem. Every day, State and local law enforcement learn information that may be useful to Federal intelligence authorities or that may actually prevent terrorist events from taking place. Despite this obvious point, there is currently no reliable and secure system to ensure that this information flows back and forth among the right people in a rapid and organized manner.

The California Anti-Terrorism Information Center is designed to solve this problem by developing a sophisticated data system that includes trained intelligence specialist, extensive technology infrastructure, and strong safeguards to protect constitutionally guaranteed civil liberties.

This new system represents a crucial advance in counter-terrorism intelligence sharing and some federal agencies have already committed analysts to CATIC. Dozens of State and local personnel will also be detailed to the various investigative and analytic units of CATIC. I believe Federal resources are also a necessary component of this project if it is to achieve maximum effectiveness.

Mrs. BOXER. It has become increasingly clear that the coordination between Federal, State and local law enforcement is crucial if we are to keep our citizens safe. The California Governor and Attorney General have combined their efforts and devised a system to meet these critical needs. The California Anti-Terrorism Information Center will provide law enforcement agencies with valuable intelligence support, enhancing their efforts to combat the threat of terrorism. I join my colleague in urging the Department of Justice to fund the California Anti-Terrorism Information Center.

Mr. BYRD. I understand the concerns raised by the Senators from California. I urge the Department of Justice and other national security agencies to give due consideration to projects such as the California Anti-Terrorism Information Center that ensure a reliable system of intelligence sharing between local, State, and Federal law enforcement agencies.

REVERSE COMMUTE PILOT PROJECT

Mr. LEVIN. I would like to engage in a colloquy with my colleague, the distinguished chairman of the Appropriations Committee, regarding a border security need along our northern border. First, let me commend the chairman for recognizing the many areas of our homeland defense that are in need of funding and for providing that funding in this economic stimulus package. I am especially encouraged to see a large border security initiative that will finally address the lack of resources given to the northern border in the past to ensure the safety and integrity of our northern border without negatively impacting the free flow of commerce.

While much has been done over the last decade to improve security on our border with Mexico, the northern border has largely been ignored. For example, only 1,773 Customs Service personnel are present at our border with Canada, while 8,300 protect our southern border. Similarly, while 8,000 Border Patrol agents monitor our 2,000 mile southern border, only 300 are stationed at our 4,000 mile northern border. This policy of neglect must be corrected without delay and I think the additional funding you are recommending will do that.

One of the vulnerabilities which has come to light regarding our international bridges and tunnels on our border with Canada is that potentially dangerous vehicles are inspected only after they have crossed into our country. With the increased security risks faced by our Nation in the post-September 11 climate, it seems obvious that inspecting vehicles for dangerous materials such as bombs or explosives after they enter our tunnels or cross our bridges is ineffective, at best.

To rectify this homeland security vulnerability, we must work with our neighbors to establish a reverse inspection program that would inspect vehicles before they have entered into our country. This would reduce the possibility that important transportation infrastructure could be endangered or destroyed.

One way to move this process forward would be to establish a pilot program on reverse inspection. Customs could work in consultation and partnership with the Canadian Customs Service and identify any hurdles and the details that would need to be worked out. One logical place to start would be in Southeast Michigan where 50 percent of the U.S.-Canada trade traverses the border, and where we have the Ambassador Bridge and Detroit Windsor Tunnel, two of the busiest border crossings.

I would like to inquire of Chairman BYRD if he would agree that this is something the Customs Service should take a hard look at?

Mr. BYRD. I see no reason why the U.S. Customs Service should not look

at the issue of reverse inspection and I would support their doing so.

Mr. THURMOND. Mr. President, I would like to take this opportunity to first offer my thanks to the servicemen and women serving our Nation in the War on Terror. Their courage, sacrifice, and professionalism assures us of victory over our terrorist enemies, and is a testament to America.

As the first stage of this war ends, a number of promising developments have taken place. In Afghanistan many of our enemies have been routed. In Germany, Afghan political leaders have taken great steps to secure peace and stability for the future of their nation. As we ask the Afghan people to turn towards peace and democracy, it is our duty to help them. Otherwise we risk facing another similar crisis in the future.

Tackling the job ahead in Afghanistan will require men and women of the highest caliber. They must be equal parts warrior and statesman. For it is these men and women who will help secure peace for this troubled land and build the foundation for the future of democracy in Afghanistan. I speak of course of the soldiers and Marines of the Civil Affairs community.

As a former Civil Affairs commander, and Deputy Chief of the Office of Civil Affairs, I know first hand what a contribution these fine warriors can make. They have made a positive impact on nearly every continent of the globe. In fact, during the last five years alone, over 4,600 Civil Affairs personnel have utilized their expertise in securing the peace and rebuilding the Balkans.

Civil Affairs soldiers are warriors of the finest sort. They train to fight and work for peace. Civil Affairs soldiers are experts in humanitarian operations and institution building. Consequently, I can think of no time when the role of Civil Affairs would be more crucial than it will be in Afghanistan.

I would like to take this opportunity to call upon the Department of Defense to take advantage of the unique skills that these men and women possess. Furthermore, we owe it to these men and women to equip them as we do our finest soldiers and Marines in accordance with the gravity of their mission. If we do this I have no doubt that these soldiers will succeed in any mission that comes their way.

Mr. HATCH. Mr. President, I rise in support of the Defense appropriations bill.

I believe this bill provides the right balance of funding for the Department of Defense given the administration's efforts to reorganize and realign the missions and architecture of this pillar of our freedom. I am particularly heartened that President Bush and Secretary Rumsfeld are working hard to revitalize the Department. I am totally in support of their efforts and feel it is important that the administration be allowed to determine the new force structure in light of our rapidly developing military posture at home and overseas.

While we can not fix 10 years of neglect overnight, this bill does many things to help the Defense Department and the men and women who serve so proudly. In particular, I am very pleased that this appropriations bill fully funds an average 5 percent military pay raise. It also provides additional pay raises for military personnel in middle level ranks, thus helping the Department to retain these valuable personnel. Again, this bill addresses the needs of the soldiers, sailors, airmen, and marines by reducing out of pocket costs for housing from 15 percent in 2001 to 11.3 percent in 2002. I am also glad that we are trying to make our troops lives more stable by asking the Department of Defense to develop a plan that reduces the number of permanent change of station moves for the military.

This year's defense starts us on the right road to fixing the military's readiness, training, and depot support programs. It provides almost $10 billion increase over fiscal year 2001 funding levels for these critical programs. It also fully funds the Army Transformation initiatives which I support wholeheartedly. Additionally, this bill enhances critical defense health programs such as breast and prostate cancer research and adequately funds TRICARE for life.

The fiscal year 2002 Defense bill has made a significant contribution to this Nation's intelligence-gathering capability by funding the Senior Scout Program which I have long supported. I also pleased that the President's request for missile defense is supported in this bill. We cannot ignore the threat that our Nation faces from enemies who each year grow more and more capable of reaching our Nation with nuclear missiles.

However, I am very disappointed about the funding reduction of $50 million for the D–5 Life Extension Program. This reduction means that some of our submarines will carry outdated and possibly dangerous trident missile systems.

In closing, I would like to recognize the exceptional efforts of U.S. Air Force Major James R. Byrne, who has served me as a legislative fellow for the past year. Jim's command of the legislative process and his ability to research complex legal questions have been exceptional. I want to recognize particularly Jim's outstanding counsel on homeland defense issues including security preparation for the Olympics.

Major Jim Byrne is a true patriot, an officer, and a gentleman. I want to thank him for his dedication and hard work, and to wish him well on his new assignment as he departs the Senate for Germany. The staff and I will miss him. I have every confidence, however, that he will continue to serve our Nation with distinction.

Mr. WELLSTONE. Mr. President, I rise today to support the 2002 appropriations bill, particularly some key provisions that will help ease the financial burdens of our men and women in the National Guard and support those on the front lines in the fight against terrorism.

The 2002 DOD appropriations bill provides $317 billion to our Armed Forces. I think it is especially important that the bill provides a 5 percent across the board pay raise and targeted raises for skilled positions in the Armed Forces. I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. For many years running, those in our armed forces have been suffering from a declining quality of life, despite rising Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed, especially as they continue to be mobilized for duty in response to the attacks of September 11th. It is because of this that I want to take a second to discuss a very important provision for our armed forces included in this bill.

This bill includes a provision expanding the protections of the Soldiers' and Sailors' Civil Relief Act to National Guard personnel protecting our Nation's airports and other vulnerable public facilities. This act suspends certain civil obligations to enable service members to devote full attention to duty. It protects our Armed Forces from foreclosures, evictions, and installment contracts; reinstates any health insurance that may have been terminated during the time of service, protects against cancellation of life insurance, and limits interest on debt to 6 percent.

It is my belief that the SSCRA was never meant to purposely exclude Guard called up by the Governor at the request of the President—as the case of the Guard mobilized today. Passing this bill will provide the men and women of the National Guard some financial security, and more importantly, a little peace of mind.

Although I support this bill, I am against its provision of $8.3 billion for missile defense. I oppose the plan to deploy a national missile defense shield for many reasons. The crucial question is whether a missile shield will make the United States more or less secure. After studying the matter carefully, I have concluded that deploying a missile shield is likely to make us less secure, and that we would be better off using these funds to finance key antiterrorism initiatives.

The new funding language in the bill allows the President to choose between missile defense research and development and combating terrorism. I believe that fighting terrorism should take priority over missile defense, and should receive most or all of the new funding. I am hopeful that the President will choose that option. I would also like to take a moment to talk about the importance of the money included in this bill to improve our

homeland security. We have some absolutely urgent national security needs here at home and I thank my colleague from West Virginia for his leadership on this homeland security appropriation. Although I had hoped we could have provided more money for the important programs in this package, and believe we must re-visit this issue again, I am grateful for what was worked out and am hopeful that we will be able to pass this bill quickly and get the funding in the communities where it belongs.

We need to beef up our ability to anticipate future acts of terrorism. We need to better insure the safety of our borders. We need to ensure the safety of our transportation system and our energy facilities. And we need to make sure that first responders to any future acts of terrorism have the resources and training they need to fully, adequately, and safely respond.

I won't go too much into the details of the homeland security appropriation but I would like to mention a few provisions. This appropriation has funding for: Health and Human Services for lab security, disaster response, smallpox and anthrax vaccines; Department of Agriculture and FDA to hire food inspectors, improve lab security and expand lab facilities; aid state and local law enforcement agencies; FEMA firefighting grants; border security including funds for INS and Customs on the northern border.

This homeland security appropriation has money allocated for state and local law enforcement to prevent and respond to terrorist attacks. This is money that can be used for programs such as a local homeland defense emergency reserve fund. Since September 11, support for local public service and servants has never been more important. This type of fund would support local communities whose resources have been exhausted by our current national emergency posture. Specifically, this money could be used to create an emergency fund for counties and local entities to dip into when their local resources have been exhausted by extreme and unforeseen circumstances. In Minnesota, for example, county sheriffs provide additional security for nuclear power plants, water treatment facilities, refineries, chemical and other facilities vulnerable to terrorist targets; but additional security costs were never factored into local budgets. The extra costs of new hiring and staff overtime have already taken their toll on Minnesota communities' local budgets and other unexpected costs are sure to arise in the future. This type of fund would provide much needed relief and adequate economic security to our overtaxed communities.

The homeland security appropriation also has money for a FEMA Firefighters Grant Program. The FEMA Firefighters Grant Program provides grants to state and local communities to expand and improve firefighting programs. Over 50 percent of funding goes to volunteer fire departments in rural communities. In recent weeks, I have had the opportunity to meet with fire department officials and first responders throughout the State of Minnesota. The one request that they have all made to me is for additional support for training and equipment. We have learned since the events of September 11 what a crucial role our fire departments play in all of our communities. The FEMA Fire Grant program is an efficient vehicle to get funding out to these departments to provide increased training and to purchase new equipment. Given that the issues local fire departments now confront are national in nature, it is reasonable that the federal government provide these additional resources for training and new equipment.

The bill in front of us now also has money to enhance our border security, particularly our northern border with Canada. Specifically, the money will be used to increase the number of INS border patrol agents and INS facilities, to create a data base for monitoring foreign student visas, to increase Customs Service border patrol agents and facilities, and for GSA facilities.

In Minnesota, the agencies protecting our borders—even in normal times—are understaffed. Given Sept. 11, the situation is now urgent. Border patrol, INS and the Customs Service simply do not have the capacity to do regular inspections as people come across the border and then to follow-up after they enter the country. Some borders are only open part-time in the summer—such as the border at Crane Lake. Borders such as these are basically wide-open. Some are even staffed via telephone and video. For example, a person wanting to cross into the United States from Canada simply arrives and calls the Border Patrol to announce ''we are here.'' Many border crossings do not even have a facility and the checks are conducted outdoors. International Falls is one place that although open full time, conducts much of its business outdoors.

When I first heard about the security situation on our northern border I was absolutely amazed. The situation there demands immediate attention and even now I question if we are providing enough. The anti-terrorism legislation we passed earlier authorized money to triple the number of security agents on our northern border, the money is appropriated today will not make that a reality. But it is a good start.

This homeland security appropriation also contains money that is essential for fighting bioterrorism. We need to improve our State and local public health capacity. There is widespread agreement that the public health system has been underfunded for years. We need more laboratories, more epidemiologist, more equipment. This appropriations bill provides money to do that. Many local public health departments don't have e-mail capacity. Many don't even have fax capacity. In the event of bioterrorism, good communication is an absolute necessity. This appropriations bill helps made sure that communication can take place.

The recent antrax attacks have shown us that early detection and treatment saves lives. We learned that hospitals need help to be able to recognize the pathogens that may be used in a bioterrorist attack. This appropriations bill provides that help. We learned that bioterrorism can have a powerful effect on the workplace. I have been advocating that we work on identifying the best ways to maintain the safety of our workers in the event of bioterrorism. I am pleased that this bill provides money for training and education regarding effective workplace responses to bioterrorism. We learned how important the CDC is for the security of all of us. This bill makes sure that they have the money they need to do their job to protect us. This bill provides funds to make sure there are adequate supplies of vaccines, antibiotics and other medicines necessary to protect all of us. These are not optional programs. They are an essential part of protecting the public health.

We have got to do a better job of addressing the needs of our most important assets in the fight against terrorism: our law enforcement, firefighters, health care providers, and other first responders. We have a long way to go but we have taken an important first step today with this appropriations bill.

Ms. LANDRIEU. Mr. President, on this day in 1941. our Nation was ''suddenly'' and ''deliberately'' attacked by an enemy who sought to conquer our homeland and destroy our way of life. Today marks the 60th anniversary of the Japanese attack on Pearl Harbor, a day which saw 2,388 Americans perish and 1,178 wounded. Many though that American shores would never again be breeched by enemies, but that most tragic day in September visited sadness on our Nation again.

I would have liked to have been in the city of New Orleans today, as the National D-Day Museum opens up a new wing dedicated to the war in the Pacific. The D-Day museum is a fitting tribute to all of those who stormed the shores of foreign nations to ensure that future generations, would enjoy the fruits of liberty and democracy. The sneak attack on American Naval and Air Forces in Hawaii marked the end of a distinct period in American history, and the beginning of another. In the years that followed that fateful day, America help up the mantle of Liberty for all civilized and freedom loving people and she still does today.

I ask my colleagues to join me in supporting the Senate amendment, which pays tribute to all the soldiers, sailors, airmen, and marines who gave the ultimate sacrifice to the Nation 60 years ago today at Pearl Harbor. It also pays tribute to the American spirit that triumphed over enemies in two

theaters of the world in the most horrible war man had ever known. This amendment will also commemorate the opening of an institute dedicated to commemorating the unique and powerful spirit of America at the National D-Day Museum in New Orleans.

Victory in the Second World War by the United States and her allies will probably be known as one of the greatest achievements in all of history. The ultimate victory over enemies in the Pacific and in Europe is a testament to the uncommon valor of American soldiers, sailors, airmen, and marines. The years 1941–1945 also witnessed an unprecedented mobilization of domestic industry which in large measure contributed to our safety at home and supplied our fighting men on two distant fronts. As the generation that faced this challenge takes its final lap, it is important that we take the time this day and every day to honor them for the many sacrifices they made. These men and women can always be remembers in the promising words of President Franklin D. Roosevelt when he proclaimed in a 1942 fireside chat: ''We are going to win the war, and we are going to win the peace that follows.'' It was the gallantry of American troops abroad and the tireless devotion of workers at home that made these words come true.

Though our Nation has seen war many time, the strength of American democracy has ensured that war is an aberration and not the norm in our society. The conflict we now face will put great strains upon our Nation and will ask of us to sacrifice in unprecedented ways. In times of peace, it is the natural order that children live to bury their parents. War violates this National order. War causes parents to bury those children who have been cut down in their prime by the arrows of conflict and discord. War makes young men and women widowers and widows long before the proper time, and deprives our youth of parents to teach them the wonders of life. This conflict has already deprived our nation of so many brave men and women, and many more will perish before it is concluded.

Indeed, the valorous acts of veterans are normally remembered in bronze and stone on battlefields both at home and abroad. American orators have been inspired by their deeds to utter words of uncommon elegance. Today in this Chamber and in many places across the Nation, the events of Pearl Harbor will be remembered. But the greatest honor we can give to our veterans is the unwritten memorial of memory, etched not on stone but in the hearts of all who survive and gladly toil on liberty's behalf.

Mr. REED. Mr. President, I rise to express my support for the fiscal year 2002 Defense appropriations bill. I believe this bill reflects the difficult times we face, both in the bill's priorities and in the spirit of bipartisanship in which it was crafted. I want to commend the Chairman and Ranking Member of the Defense Appropriations Subcommittee for their patience and hard work.

I believe this bill provides funding for the urgent needs of military personnel who are risking their lives every day in this war against terrorism. It provides for a 5 percent increase in basic pay for all service members and a targeted pay raise for midgrade officers and E–4 to E–9 enlisted personnel. It increases readiness accounts by $9.6 billion to aid our soldiers and sailors carrying out Operation Enduring Freedom and Operation Noble Eagle. In addition, while taking care of immediate needs, this bill also considers the future, and provides funding for the services' transformation.

One major transformation effort funded by this bill is the Navy's SSGN program. The President's budget request included a proposal to begin converting two of the four Trident submarines that would otherwise be retired under the Defense Department's plan to reduce the Trident ballistic missile submarine force from the current level of eighteen boats to a new level of fourteen boats. This bill adds $193 million to accelerate the program and preserve the option for converting all four boats.

These converted submarines will provide the Navy with next generation technology. In one scenario, the SSGN can be configured to carry as many as 154 tomahawk missiles, more missiles in one vessel than are now carried in an entire carrier battlegroup and almost as many tomahawks used in Operation Allied Force. During operations against Iraq and in Kosovo, several submarines and surface ships were dedicated solely for missile strikes. With the SSGN, one vessel would be dedicated for strike operations and the remaining platforms would be freed up for other missions. In addition, this strike capacity would remain hidden so it would retain the element of surprise and be relatively invulnerable to attack.

These converted submarines could also be configured to carry up to 66 special operations forces along with two advanced seal delivery systems or two drydock shelters. The ability to insert such a large number of special operations forces from a position of stealth would give the navy an unmatched capability to conduct covert operations or prepare for a larger landing force.

Operations in Afghanistan are revealing on a daily basis the need for the invaluable tools that the SSGN can provide. I am pleased that this bill is providing this funding.

Now, I would like to address an area of the bill where I have concerns. The recent events in Afghanistan and the reported attempts by Osama bin Laden to obtain chemical and biological weapons, and nuclear weapons materials and technology, including plutonium and highly enriched uranium, have increased the importance of the Nunn-Lugar programs at the Department of Defense and the related programs at the Department of Energy. These programs account for, secure and destroy weapons of mass destruction and supporting materials in Russia and the states of the former Soviet Union. I believe there is general consensus that these programs should not only be accelerated but that they should also be expanded.

As a result, I was surprised and disappointed when I saw that the Nunn-Lugar Cooperative Threat Reduction program at the Department of Defense was cut in the Defense appropriations bill by $46 million. This cut is particularly troublesome because the fiscal year 2002 budget request for this program had already been reduced by $49 million by the administration. With this additional cut to Nunn-Lugar Cooperative Threat Reduction program the program is $85 million below the fiscal year 2001 funding level. This is a 19 percent reduction in this important program, a program which after September 11, is even more important.

I want to note that the additional supplemental funding that has been proposed would increase the funding for the companion programs at the Department of Energy, which I fully support, but there is no additional money for the Nunn- Lugar Cooperative Threat Reduction Programs at the Department of Defense in the proposed supplemental funding.

I hope the funds for the Nunn-Lugar programs can be restored at least to the budget request level of $403 million before deliberations on this bill are concluded .

I would also like to take a few minutes to discuss the funding for ballistic missile defense. Before September 11, ballistic missile defense was the administration's top priority. Today, despite weeks of evidence of other pressing needs and vulnerabilities that must be addressed, ballistic missile defense seems to still be the administration's top national security priority.

In its July budget submission, the administration requested a staggering $8.3 billion for ballistic missile defense, a 57 percent increase from last year's funding level. The consensus of the Democratic members of the Senate Appropriations Committee was that of the $8.3 billion proposed for missile defense, $1.3 billion was ill-considered, and could best be spent elsewhere, for example on counter-terrorism programs. This is consistent with the report of the Senate Armed Services Committee, which also recommended a $1.3 billion reduction for missile defense.

I find it interesting that today many of my colleagues opposed the homeland security provisions in this bill, stating there it was unwise to allocate additional funds despite the obvious needs. Yet, there is still support for a 57 percent increase in the ballistic missile defense accounts when the program addresses a remote threat and is in some respects overfunded.

Even if we had a working missile defense system, such a system could not have defended us from the attacks on the World Trade Center, nor the anthrax attacks, nor any of the other potential threats we face from worldwide terrorist networks.

The fact is that terrorist networks do not have ballistic missiles, let alone missiles capable of reaching the United States. A ballistic missile leaves an easily detectable ''return address'' against which the United States could immediately and devastatingly retaliate. Such a weapon is not appropriate for terrorists who operate in shadows and in caves, eluding and evading detection. Furthermore, what nation would allow a terrorist organization to launch a ballistic missile from its soil, knowing that it would mean certain destruction for that Nation?

Taking into account recent events, this appropriation bill places ballistic missile defense into a larger context and takes $1.3 billion of the $8.3 billion budgeted for missile defense and allocates it for missile defense and/or counterterrorism programs, whichever the President decides is in the best interest of national security. This provision is consistent with the fiscal year 2002 National Defense Authorization bill previously passed by the Senate.

Given the seriousness of the terrorist attacks on our country, and the continuing alerts of possible additional terrorist attacks, I urge President Bush to spend that $1.3 billion on counterterrorism programs. In the months following September 11, the nation has come to recognize just how vulnerable we are to the scourge of terrorism, and now many resources are needed to bolster our security. By contrast, if President Bush chooses to spend the $1.3 billion on missile defense, he will not be addressing the most likely and imminent threats we face, and he will not be furthering the cause of missile defense, either. That is because the $1.3 billion reduction approved by the Appropriations Committee is for activities that are ill-considered and poorly justified.

Four simple principles ought to apply to missile defense programs, or any other development program for that matter.

First, avoid deploying equipment that has not been thoroughly tested. We should know the equipment works prior to giving it to our soldiers.

Second, do not fund activities that cannot be executed. This simply wastes scarce resources.

Third, avoid excessive funding for non-specific activities without a firm justification or plan of how to spend the funding.

And finally, avoid undue program growth rates—programs that have been moving along well should not be drastically accelerated without justification.

The administration proposed spending over $200 million to procure 10 untested missiles and an untested radar for the THAAD theater missile defense system. The administration also proposed spending another $100 million to buy untested missiles for the Navy Theater-Wide system. These missiles would, if funded, permit the administration to claim ''contingency deployments'' for these systems by 2004, long before the systems are fully developed, tested and demonstrated to work effectively.

Deploying systems that are not fully developed and tested is not the best way to get an effective missile defense capability for our nation, nor is it a wise way to spend our defense dollars. To do this would be to invite what retired Air Force Chief of Staff General Larry Welch called a ''rush to failure,'' which we have previously experienced in missile defense programs, most notably in the THAAD program a few short years ago. We should not head down that road again. It leads to delays, cost overruns and program failure.

The administration's desire for ''contingency deployments'' is particularly puzzling since the administration itself has spoken out on the risks of such deployments. Lieutenant General Ronald Kadish, the Director of the Ballistic Missile Defense Organization, stated in his testimony to the Senate Armed Services Committee that ''emergency deployments are disruptive and can set back normal development programs by years.'' Deputy Secretary of Defense Paul Wolfowitz provided similar testimony to the committee.

The funding reductions for missile defense recommended by Senate Appropriations Committee would eliminate funding for ''contingency deployments'' of untested systems, freeing the funding for the fight against terrorism. I hope President Bush chooses to provide these funds for counter-terrorism rather than for ''contingency deployments'' of unproven missile defense systems.

Hundreds of millions more dollars were in the administration's request to accelerate missile defense programs that are not yet fully designed, and for testing of programs that haven't even been fully conceived. For example, the budget request included $50 million for development and testing of a sea-based boost program. However, the design of a sea-based boost system does not yet exist, and it is unreasonable to request funding to test a nonexistent system. The Appropriations Committee substantially reduced funding for this activity, to a level more appropriate to a program still in its conceptual stage. I strongly support this reduction.

The administration unduly accelerated a number of programs that are not ready for acceleration, thereby putting hundreds of millions of dollars at risk of being wasted on programs that will have to be reworked later. A prime example of this is the SBIRS-Low program, a very complex program of satellites intended to track missile targets by detecting the heat they emit while in space. Not only is this a very challenging mission, but the program has undergone substantial cost growth recently—the current cost estimate for the program now stands at over $20 billion. A few years ago the cost of three SBIRS-Low prototype satellites grew so high that the prototypes were canceled outright.

Substantial cost growth is indicative of programmatic problems which should be resolved before spending more on the program. Options to the current plan should be considered and weighed. Yet the administration has proposed over $380 million for SBIRS-Low in 2002, a 60 percent increase over last year's funding level. Such a huge funding increase is not appropriate. The Appropriations Committee recommended a reduction of $120 million for SBIRS-Low, and I think this reduction is very wise.

The Senate Appropriations Committee has given the President of the United States a very important choice to make. Following the lead of the Senate Armed Services Committee, the Appropriations Committee has recommended $1.3 billion of funding reductions for missile defense. These reductions are not based on ideology or partisanship. They are based on an objective technical assessment of each missile defense program, and are consistent with the four principles I outlined earlier.

Even with these reductions, the administration would still receive $7.0 billion for missile defense, 40 percent more funding than last year. By comparison, the Department of Defense only proposed $650 million for research in chemical and biological defense, a mere 16 percent more than last year.

The President can choose to spend the $1.3 billion the Senate Appropriations Committee has offered him on the real threats the nation is facing today—on combating terrorism. Or he can choose instead to spend that money on unwise, ill-justified ballistic missile defense programs that will not increase our Nation's security. I urge him to choose counter-terrorism.

This bill was drafted in trying times. It had to be immensely difficult to discern which of the innumerable pressing needs should receive scarce resources. I believe this appropriations bill strikes the proper balance and will provide our fighting men and women with what they need for victory. I urge my colleagues to support this bill.

Mr. DAYTON. Mr. President, dislocated workers in Minnesota and throughout America need assistance now. The Nation's unemployment rate took another big leap upward in November, to 5.7 percent, the highest level in 6 years. An additional 331,000 Americans lost their jobs last month.

For these families, there is no time to waste. As many of us worry about what to buy our loved ones for the holidays, unemployed workers are worrying about how to provide for their families. Unemployment benefits are

running out and savings are being depleted. Laid-off workers are left worrying about how they will pay for the basic necessities of life; housing, clothing, food, and health insurance for their families.

In Minnesota, the Department of Economic Security reported the number of applications for unemployment benefits increased nearly 24 percent this November compared to November of last year. Today there are 55,000 workers receiving unemployment assistance in Minnesota, with an additional 55,000 unemployed who receive no unemployment assistance.

As the State of Minnesota faces a budget deficit of almost $2 billion, the problem is only getting worse. Today, Minneapolis-based Sun Country Airlines announced that it will immediately lay off 900 employees. This underscores the immediate need for Congress to help America's financially pressed unemployed now.

We must extend unemployment insurance for laid-off workers, putting money into the hands of dislocated workers and their families. These are the people most likely to immediately spend any additional funds they receive. This spending on necessary goods and services will not only help these families make it through tough times, they will help spur our economy. Workers need assistance now.

Mr. KENNEDY. Mr. President, I commend my colleagues, Senator BYRD, Senator STEVENS, and Senator INOUYE, for their leadership on this important proposal. In particular, their proposal provides the resources that are urgently needed to begin to address the challenge of bioterrorism.

Our public health and medical professionals at the State and local levels will be on the joint lines in any bioterrorist attack. The legislation that Senator FRIST and I introduced recognizes the importance of strengthening preparedness at the State and local levels. The Byrd-Stevens-Inouye proposal provides over $1 billion to begin to prepare our health defenses against bioterrorism.

The proposal provides the resources needed to enhance the ability of CDC to respond effectively to bioterrorism. By investing $165 million in new laboratories at CDC, the proposal will allow the disease detectives at CDC to identify dangerous pathogens accurately and rapidly.

The proposal will expand stockpiles of pharmaceuticals and medical supplies that will be needed to protect Americans in a bioterrorist attack. It will allow work to begin immediately on production of new smallpox vaccine.

The bipartisan proposal will enhance the safety of the food supply by providing the resources needed to train more food inspectors and conduct research on biological threats against American agriculture.

The Byrd-Stevens-Inouye proposal takes the first important steps in preparing the nation for bioterrorism. We should support this proposal and do all we can to see that our national investment in bioterrorism preparedness is sustained in the years to come.

Mr. DASCHLE. Mr. President, I thank Senator BYRD for his extraordinary leadership in putting together a plan that addresses America's most urgent homeland defense needs. I also thank him for his tremendous eloquence, which has helped all of us, and all of America, understand the critical importance of strengthening our homeland security.

I also thank Senator INOUYE and Senator STEVENS for their persistence in making sure we didn't leave here before we acted to protect Americans at home and abroad. Thanks to our colleagues, Senators SCHUMER and CLINTON, for making sure this agreement helps keep commitment we made to stand with the people of New York as they recover from September 11. And, as always, I thank my friend, the assistant majority leader. Once again, HARRY REID'S patience and his mastery of politics, policy, and process have enabled us to find a principled, bipartisan compromise.

Sixty years ago, America was attacked at Pearl Harbor. After Pearl Harbor, Americans instantly and instinctively came together to protect our nation. Together, we defeated a mighty enemy. Nearly 3 months ago, America was again attacked on our soil by a foreign enemy. It was the first time since Pearl Harbor.

Now we must decide. Will we do what that earlier generation did? Are we willing, in this Congress, to put aside our party's agendas, and perhaps our personal agendas, and do what it takes to protect our Nation.

It had seemed that the answer to that question was clear. After September 11, Congress and the President worked together to respond quickly to the terrorist attacks and the ongoing threat. We expressed our strong support for the President's leadership in the war on terrorism, and authorized the use of force in the war. We worked together to keep the airlines flying, and to make America's airports safer. We made a commitment to the Pentagon, and to the people of New York and Pennsylvania, that we would help them rebuild and recover from the horrific attacks of September 11. We did all of those things with strong, bipartisan agreement. We had hoped that support for strengthening America's homeland security would be just as broad.

Clearly, the need is just as urgent. Yesterday, we learned that the President is preparing his own homeland security package that he intends to send Congress next year. The President's plan reportedly will cost $20 billion—nearly three times what is our plan. We also know that, after Congress authorized $20 billion to strengthen homeland security and help communities recover from the terrorist attacks, the President's own agencies submitted to the White House requests totaling more than $200 billion for homeland security alone. The President's own Cabinet members identified $200 billion in domestic security needs they said urgently needed to be addressed to prevent future terrorist attacks.

So we all understand that the need is great, and urgent. We also understand, on our side, that the Senate can only act when there is broad support. So, we will support this bipartisan agreement. The amount is different than our plan, but the priorities are the same.

We said there must be more money to fight bioterrorism. This agreement includes more money for bioterrorism. We said there has to be more money to prevent terrorists from acquiring nuclear weapons or the materials to build them. This agreement includes more money to do just that. We said we must keep our word to New York. This package does that. It doesn't meet all of America's homeland security needs. It doesn't even meet all of our most urgent homeland security needs. But it is better than the inadequate proposal we started out with. It is a downpayment on a stronger, more secure America. In that regard, it is at least a partial victory for the American people. For that reason, I intend to support it, and I hope my colleagues will as well.

When this debate began, Democrats proposed a $20 billion homeland security package as part of a larger economic recovery plan. We believe strongly that was the right thing to do. After all, if we want people to get back on planes, and go on with their business and their lives, they need to know they are safe. But our Republican colleagues refused to even talk about homeland security as long as it was part of an economic recovery plan. So we agreed to take homeland security out of our economic plan. Then, the other side said $20 billion is too much for homeland security. So we cut $5 billion from our proposal. They said even that was too much. So we cut our proposal in half—to $7.5 billion.

Again and again, we have made principled compromises in an effort to reach a bipartisan solution. Now we are accepting even further reductions in size of the package—in exchange for a commitment from our Republican friends that they will support more money for bioterrorism and other urgent homeland security needs. We want to caution our friends, however. We will not compromise our principles. We will not compromise the safety of the American people. We expect to see these commitments in the final conference report. We do not want a plan that sells our homeland security short.

Sixty years ago today, more than 4,000 American sailors and soldiers were killed at Pearl Harbor. Three months ago next week, more than 4,000 innocent civilians were killed in New York, at the Pentagon, and in Pennsylvania. The attacks of September 11 revealed, in a horrific way, some of the gaps in our homeland defense. With

this vote, we are taking an important first step toward closing some of the most dangerous gaps.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

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

The bill (H.R. 3338), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

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

There being no objection, the Presiding Officer appointed Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, Mr. KOHL, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank my good friend from Hawaii and congratulate him and his staff for doing such a marvelous job on a very complex bill in such a short period of time. It is a pleasure to work with him. I also include in that thanks to Steve Cortese, our chief of staff, and the staff working with him. It is a very complex bill. It is my hope we will bring this bill back to the Senate by early next week for final passage.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this has been a long day. I wish to thank all of my colleagues for their patience and their cooperation. The measure that we have just adopted, I have been told, is the most expensive appropriations bill ever adopted by the U.S. Senate.

I wish to thank the staff, Mr. Charles Houy and his team. Without Mr. Houy and Mr. Steve Cortese, we would not be here at this moment. We thank them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want everyone to know, Senator DASCHLE said we would finish the bill today, and we did it, with a minute's grace.

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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators allowed to speak therein for up to 5 minutes each.

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

AMERICAN AGRICULTURE'S VULNERABILITY TO BIOTERRORISM

Mr. AKAKA. Mr. President, I rise today to address the issue of detecting biological agents that could be used in malicious attacks against our Nation's agricultural industry.

Last month, I introduced S. 1560, the Biological Agent-Environmental Detection Act of 2001, which calls for the development of new technologies to detect disease agents that can be used as terrorist weapons against humans.

I am drafting legislation to address concerns about agricultural security that will complement the provisions in S. 1715, the Bioterrorism Preparedness Act of 2001, which I have cosponsored.

We have heard testimony in hearings before the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services illustrating the vulnerability of American agriculture to acts of biological terrorism directed against livestock and crops, commonly known as ''agroterrorism.''

Any agroterrorist attacks could have a profound effect on the overall American economy. The combined cash receipts for crops, livestock, and poultry in the United States reached nearly $200 billion last year, or 2 percent of our gross domestic product. An agroterrorist attack would also create a ripple effect on businesses that rely on American agricultural products, especially grocery stores and restaurants.

For example, agroterrorist attacks could reach across the agricultural industry of Hawaii, which had $521 million in revenues last year. Our livestock could be attacked with viral agents such as foot and mouth disease. In Hawaii, this would affect the price and availability of beef, pork, and dairy products. 51,000 cattle and 26,000 hogs were brought to market and slaughtered in Hawaii last year, while 90 million gallons of milk were produced by the Hawaiian dairy industry. Our $100 million pineapple industry could be attacked with a nematode pest that causes an estimated 40-percent loss of crop in the first year of infection, and 80- to 100-percent losses in subsequent crops. Hawaii's growing agricultural tourism industry was worth $26 million in 2000, and any attacks on Hawaiian agriculture would also impact those revenues.

However, the impact of terrorist attacks against American agriculture would not be measured in economic terms alone. A significant loss of agricultural production would also affect the health and welfare of our nation's citizens, not to mention hundreds of millions of men, women, and children around the globe who depend on American agricultural production for some part of their daily meals.

My colleagues are aware of the recent completion of the Human Genome Project to map the basic genetic information contained in human chromosomes. This vast undertaking involved the sequencing of over three billion base pairs of genetic information.

The diseases that attack crops and livestock are caused primarily by bacteria, fungi, and viruses. Each of these microorganisms has its own miniature genome that can be sequenced with a fraction of the effort involved in the Human Genome Project. For example, only last month, scientists at the Department of Energy's Joint Genome Institute sequenced the genomes of 15 bacterial species, including plant and human pathogens.

In many cases, we still seek to understand the most rudimentary features of disease-causing microorganisms, regardless of whether they infect humans, livestock, or plants. By sequencing the DNA of select agricultural diseases agents, we can develop diagnostic tests to rapidly identify agricultural diseases; we gain fundamental information about how each disease is caused; and we learn how to mitigate or prevent the negative effects of diseases that infect crops and livestock.

By preparing to detect the intentional spread of disease through bioterrorist attacks on America's agriculture, we are also protecting American crops and livestock from the accidental or natural spread of diseases. With rapid diagnostic tests based on genomic information, we can avoid the spread of such diseases as the papaya ringspot virus, which is carried by aphids throughout infected orchards in Hawaii. However, Hawaii's agricultural system clearly is not the only industry that would benefit from pathogen detection systems. The fungal pathogen Fusarium, which infects many Hawaiian crops, including sugarcane, ginger, and banana, also attacks watermelons in Texas, potatoes in Idaho, and tomatoes in Ohio.

I commend my colleagues for their efforts to protect our urban areas from further bioterrorist attacks. However, let's not forget agricultural America. We must support the development of rapid detection methods that are based on genomic information from disease

agents that could be used in bioterrorist attacks against American agriculture.

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 April 16, 1995 in Seattle, WA. An attacker threatened a gay man by holding a gun to the victim's head and using anti-gay slurs. The assailant, Daniel Gooch, 30, was charged with fourth-degree assault in connection with the incident.

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.

VETERANS' BENEFITS IMPROVEMENT ACT

Mr. JOHNSON. Mr. President, I rise today to urge an anonymous Senate colleague to lift his or her hold that has been placed on critical legislation for America's veterans.

As you are aware, the Senate Veterans' Affairs Committee approved important legislation in October that will make significant improvements to the Montgomery GI Bill, expand benefits for Persian Gulf War veterans, and enhance the VA Home Loan program. The Senate must act on the Veterans' Benefits Improvement Act of 2001 before the end of this legislative session.

I have advocated updating education benefits for veterans and introduced comprehensive legislation with Senator SUSAN COLLINS (R–ME) at the beginning of the year to bring Montgomery GI Bill benefits in line with the rising costs of higher education. The Veterans' Benefits Improvement Act represents an important first step in ultimately restoring the effectiveness of the Montgomery GI Bill as a tool in the recruitment and retention of the best and brightest in our armed forces.

Unfortunately, an anonymous member of the Senate is preventing veterans from receiving these expanded educational benefits.

I am equally disappointed that this anonymous hold is threatening our ability to increase the VA home loan guaranty in order to keep pace with FHA loan guaranties and extend housing loan guaranties for members of the Selected Reserve.

Finally, I find it disturbing that during a time of war an anonymous member of Congress is willing to halt legislation that would help Persian Gulf War veterans with service-connected disabilities and Vietnam Veterans exposed to Agent Orange. The Veterans' Benefits Improvement Act rectifies several oversights for these brave men and women who served their country while also illustrating to members of the Armed Forces that our country keeps its promises to our veterans.

The Veterans of Foreign Wars (VFW) recently wrote Senate Minority Leader TRENT LOTT (R–MS) and urged him to prevail upon his colleagues to release the anonymous hold on this bill. The VFW correctly points out that with American servicemen and women currently in harms way, there is no justification for blocking action on legislation that recognizes veterans' service to our nation. I ask unanimous consent to have a copy of the VFW's letter printed in the CONGRESSIONAL RECORD following my remarks.

I urge all Senators to help expedite passage of this important legislation and look forward to continue working with my colleagues on veterans legislation.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, December 3, 2001.

Hon. TRENT LOTT,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: On behalf of the 2.7 million members of the Veterans of Foreign Wars and its Ladies Auxiliary, I urge you, as Senate Majority Leader, to prevail upon one of your Republican colleagues to release an anonymous hold he has placed on a piece of legislation of great importance to our nation's veterans.

This bill, the Veterans' Benefits Improvement Act of 2001, would significantly benefit the men and women who have served in our Armed Forces as well as those serving today and tomorrow.

It is our understanding that the Senator who is blocking action on this bill is concerned that, along with a number of other important provisions, it would authorize too much money on enhancements to the Montgomery GI Bill. We are disappointed and angered that this individual would single handedly prevent a vote on this much needed legislation, particularly for the sake of preventing an essential increase in a educational benefit for veterans.

With American servicemen and women on guard at home and standing in harms way abroad, we assert that there is no justification for blocking action on legislation that appropriately recognizes and rewards their very special service to the nation.

This measure is much needed and enjoys strong support in both the House and Senate. It is time that it be brought up and voted upon.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

RETIREMENT OF JENNY OGLE

Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Ms. Jenny Ogle, who is retiring at the end of this month after 23 years of service to the citizens of Ohio and the United States of America.

Many of my colleagues might not realize this but Senator MIKE DEWINE and I have one of the few joint casework operations in the Senate. Shortly after I was elected, Senator DEWINE graciously offered to combine our casework services in an effort to better serve our constituents in Ohio by avoiding duplication of effort and by saving money on staff and office expenses.

To head up this office, MIKE and I asked Jenny Ogle, who had been MIKE's own Director of Constituent Services since 1995, and who had been a caseworker for MIKE from 1982 to 1989 when he was in the House of Representatives. In the interim years, while MIKE was serving as my Lieutenant Governor, Jenny brought her experience to Congressman DAVE HOBSON, where she served as casework manager.

I knew that Senator DEWINE and I were asking a lot of Jenny to run this new one-stop operation, but I was confident, given the great work that she had done for MIKE and for DAVE, that she could handle the load and do it well.

And I was right. For the past 3 years Jenny has been our Director of Constituent Services, and has done an excellent job in ensuring that all our casework is handled properly and in a timely manner.

One of the things that I have come to respect about Jenny is her leadership and interpersonal skills and her ability to reach out and make a difference in the lives of so many people. In fact, she could probably write a book based on the cases she handled personally as well as the cases she ''quarterbacked'' as Constituent Services Director. Jenny has a unique ability to bring out the best in herself, but more important, she has a real talent for bringing out the best in her staff.

I have often said that the most important work that my office does is outreach to my fellow Ohioans, and in terms of outreach and getting things done for the people of Ohio, Jenny has had a major impact. She can rest assured that her accomplishments are appreciated by me and my entire staff and her influence will continue to be felt for many years to come.

I will genuinely miss Jenny's service because she is a consummate professional. Throughout her career in constituent services in both the House and Senate, Jenny has dedicated herself to helping solve the problems of tens of thousands of Ohioans, many of whom have had nowhere else to turn. She is one of those rare individuals who can honestly say that they have made a difference in the lives of their fellow man.

I am proud of what she has been able to accomplish, and I know that her family is just as proud of her, if not more so. I thank Jenny for her service, and I wish her and her husband, Mike, a happy and healthy retirement together.

PRESIDENT HARRY S TRUMAN

Mrs. CARNAHAN. Mr. President, as you know, the Senate seat I currently hold was previously occupied by a distinguished man from Independence, MO, President Harry S Truman. So it is with great enthusiasm and pride that I take this opportunity to recognize the Grand Rededication of the Harry S Truman Presidential Museum and Library on December 9, 2001.

This weekend, the Truman Museum and Library will open a remarkable new permanent exhibit, ''Harry S Truman: The Presidential Years.'' This compelling installation provides current and future generations with an interactive experience that allows them to fully immerse themselves in the Truman Presidency. Visitors will feel the pressure on Truman and his administration during the formative post-World War II years as President Truman and his advisors debated crucial decisions, such as use of the atomic bomb and recognition of the state of Israel. Those decisions continue to shape the world we now live in. This exhibit comes after the addition of the new White House Decision Center, which opened in October. The White House Decision Center is a replica of the West Wing and provides students with the opportunity to take on the role of President Truman or of his advisors during the Truman Presidency.

Since its opening in 1957, the Truman Museum and Library has remained true to the wishes of President Truman, who felt his papers should be the property of the people and accessible to them. With this directive in mind, the Truman Museum and Library house and preserve White House files as well as papers that document President Truman's life and career. These new projects are just the latest innovative exhibits, seminars, and public programs that have engaged and educated the public for over 40 years.

I commend all who have made this renovation and grand rededication possible, particularly the staff at the Truman Museum and Library. Their remarkable work and dedication to public service exemplify the integrity that Harry S Truman brought to the office of the Presidency. Each day as I represent the people of Missouri in the United States Senate, I am humbled by the honor to succeed this great man and Missouri's own, Harry S Truman.

FATHER MYCHAL F. JUDGE

Mrs. CLINTON. Mr. President, I ask for unanimous consent that the following statement, which I was honored to deliver at the funeral mass for Father Mychal F. Judge in New York City on September 15, be printed in the RECORD.

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

REMARKS BY SENATOR HILLARY RODHAM CLINTON AT THE MASS OF CHRISTIAN BURIAL FOR FATHER MYCHAL F. JUDGE, O.F.M., CHAPLAIN FOR THE FIRE DEPARTMENT OF NEW YORK CITY, CHURCH OF SAINT FRANCIS OF ASSISI, SATURDAY, SEPTEMBER 15, 2001

Your Eminence, members of Father Mike's family, especially his sisters Erin and Dympna, his nieces and nephews, members of his beloved Franciscan community:

Father Mike left us one last earthly gift with Father Duffy's homily. That will long be remembered for its humanity, its love, and its humor.

My husband and I first heard of Father Mike during the White House years. We kept hearing about this charismatic Franciscan who ministered to the homeless, to AIDS victims, to immigrants, with perhaps a special touch for Irish immigrants and who loved his firefighters. So we invited him to the White House for our annual prayer breakfast, and because I was so intrigued by everything I had heard about him, and because I knew that in a big event like that I might not get much time to spend with him, I took the hostess' prerogative and put him at my table. What a beacon of light. He lit up the White House as he lit up every place he ever found himself.

We had just purchased our home here in New York so, of course, we first spoke about his love for this city, and he told me the stories of growing up and shining shoes and exploring on his own. And we talked about what drew him to become the chaplain for the fire department and how grateful he was because he felt, as you know so well, that it was a mission he'd been called to do.

On Tuesday, when the worst of evil struck our city, I was heading toward my office at the Senate, and I heard first of the crash into the tower and, like so many people, thought it must have been a terrible accident and, shortly thereafter, the second. As I frantically began making phone calls, we were evacuated because of the third crash into the Pentagon. I called the Mayor and the Governor and the President. And I think for so many people in those initial hours it was unimaginable except for those of you and your comrades who were there in the midst of it. And then I was called and told that Father Mychal Judge had died doing what he was called to do, and all of a sudden the enormity of the tragedy became very personal.

It will take a very long time before any of us can even find the words to express what this cowardly evil act meant and did to people we knew and loved, to our city and to our country. But as a Christian, I think often of another terrible day, a Friday of despair, darkness and death, a Friday that left behind so much pain and hopelessness and yet Sunday was coming and Sunday did come.

As we continue the work of rescue, recovery, rebuilding, reconstruction, we have to remember the spirit, the life, and the love that Father Mike left us. Pulling us one to the other, giving us strength where it seems hard to imagine it could ever come again. And being resolute in our commitment to do everything we can to ensure that not one person that lost his or her life on our Tuesday of death and darkness will have died in vain.

So thank you Father Judge. Father, you gave us so many gifts when you were alive. Gifts of laughter and love. Blessed is he who comes in the name of the Lord, and you came to us. And now you've gone ahead, but you will never be forgotten, and we are grateful for the blessings of your life. Thank you.

HONORING WILBUR FAISS

Mr. REID. Mr. President, recent weeks, one of Nevada's leading families, the Faiss Family, has marked important milestones. The patriarch, Wilbur Faiss, observed his 90th birthday and the matriarch, Theresa Faiss, observed her 86th birthday. In doing so, they and their children and grandchildren could reflect on 57 years of contributions to the growth and success of Nevada.

Wilbur and Theresa Faiss and their three sons, Bob, Don, and Ron, arrived in North Las Vegas, NV, in 1944. North Las Vegas then was an unincorporated city. Wilbur opened a small business and devoted a great deal of his time to his community, including service as a volunteer firefighter.

Wilbur became one of the first workers at the Nevada Test Site in the 1950s. He later retired from work as a member of the Teamsters Union on the Las Vegas Strip.

Upon retirement at the age of 65, when many of us might think of slowing down a bit, Wilbur answered the call of his constituents to become a Democratic candidate for the Nevada State Senate. He won that first effort for public office by one of the highest margins in the State.

Wilbur served two distinguished terms in the Nevada Senate, giving priority to the areas of working men and women, senior citizens, education, civil rights, and protection of the environments.

Theresa's achievements were recognized in 1996, when she was selected as Clark County's Pioneer Mother of the Year. Of Theresa it was written that she ''has not won any public honors or held any office, but she held her family together through adversity and provided her sons a model of caring, support, hard work, sacrifice, commitment, integrity and compassion.''

Their sons have followed the example of their parents.

Bob Faiss is a senior member of Nevada's largest law firm, Lionel Sawyer & Collins. Prior to joining his firm, Bob served as Executive Assistant to Governor Grant Sawyer of Nevada and staff assistant to President Lyndon B. Johnson in the White House. The National Law Journal in 1997 named him one of ''The 100 Most Influential Lawyers in America.''

Don Faiss recently retired as an executive of Bally's Resort in Las Vegas, formerly the MGM Grand Hotel. Among his public contributions was service as a member of the Clark County School Board.

Ron Faiss recently retired as General Manager of the Horseshoe Hotel/Casino in Las Vegas, after 30 years of involvement in the spectacular growth of the Nevada gaming industry.

The Faiss grandchildren are also making their ways as responsible and productive citizens, as follows: Mitch Faiss is the co-founder of a leading electrical contracting company in Gardnerville, NV; Michael Faiss, after

many years as manager for a chain of restaurants, has joined his brother Mitch in the electrical contracting business; Philip Faiss is a member of the staff of a major museum in Southern California; Marceline Faiss Ayres is an educator in Northampton, MA; and Justin Chambers is a member of the news staff of KTNV—Channel 13 in Las Vegas.

Wilbur and Theresa Faiss are in good health and continue to be active. It is fitting to wish them happy birthdays and a happy, rewarding and secure future.

Mr. President, Nevada is a much better place because of the Faiss family.

RETIREMENT OF JOAN DOUGLAS

Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Ms. Joan Douglas who will celebrate here retirement later this month after many years of dedicated service to the citizens of Ohio and the United States of America.

For the past 12 years, Joan has been an integral part of my team, from my earliest days on the campaign trail when I was running for Governor of Ohio, to my current service in the U.S. Senate. Not only has Joan been a valued employee, she has been a friend to me and my wife, Janet.

One of the things that I admire about Joan is her passion for public service, for it is something that both of us share. Just like I once did, Joan served in the Ohio Legislature, and she has also given back to her community at the local level, serving 8 years on the Mansfield, OH, City Council and by also serving on the Mansfield Elections Board.

Given her interest in helping her fellow Ohioans, I was extremely pleased that Joan joined my campaign for Governor in 1990 and that she stayed through both my terms. Joan was the first impression that people had of the Governor's office whether in-person or on the phone, and I believe that her professionalism and compassion made thousands of great first impressions on visitors and callers alike.

Joan has always had a wonderful way to make anyone who deals with her feel immediately at ease, whether it was frustrated constituents, harried staff or individuals with special needs. She has also always been cool under pressure, witnessing numerous demonstrations and protests and dealing with more than her fair share of troublesome individuals. And Joan always let me know what ''the pulse of the people'' was by keeping track of the calls we received and letting me know what our constituents were saying.

Not only did Joan smooth over the problems of countless Ohioans, she also shared her talents with fellow staff members, serving as ''den mother'' to many of the younger staff members in my office. Whether it was a shoulder to cry on, or motherly advice, I know that many people cherished her guidance, her comfort and her companionship.

When I was elected Senator, I was genuinely pleased that Joan continued to serve the people of Ohio when she stayed on to work for me. A whole new generation of staff and thousands more Ohioans had a chance to get to know her and experience her warmth and charm.

My wife, Janet and I appreciate all that Joan has done for us and the people of Ohio and the fellowship that she has shared with so many. We will always treasure Joan's friendship, and we wish her many years of a happy and healthy retirement.

ADDITIONAL STATEMENTS

Tribute to Chick Matthews

• Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a true American hero from my home State—Mr. Chick Matthews of Greenbrier, AR.

Mr. Matthews was born on August 19, 1901, in a one-room house in Bailey Town, AR. Growing up in the most modest of circumstances, Mr. Matthews went on to a distinguished career of service to his country, serving in four wars in the twentieth century. Mr. Matthews served honorably in World War I, World War II, Korea, and Vietnam, either in the uniforms of the Army, the Navy, or the Merchant Marine. It is a service record that he can be proud of, and we are proud of him for it.

In 1931, Mr. Matthews married Icie Lee, who served as a postal worker in Greenbrier and a postmistress in Wooster, AR. Icie Matthews passed away in 1999 after 68 years of marriage to Chick. She is deeply missed.

Chick Matthews retired from the Merchant Marine in 1970, but since then he has stayed extremely busy. He has been around the world more than a dozen times. According to his count, Mr. Matthews has visited over 100 countries. This past summer, just before his one hundredth birthday, he traveled with his son James on a trip that took him to 18 foreign countries.

Today, Mr. Matthews leads an equally energetic lifestyle at home, tending to a one-acre garden and visiting frequently with his neighbors and friends at the Greenbrier Senior Citizen Center, where he regales his companions with tales of his adventures. We should all hope to maintain such a full and active schedule in our senior years.

Through his service to his country, his love of family and community, his commitment to making the most of his life, Chick Matthews represents the most admirable qualities in the American spirit. In this new century, in these difficult times, when a new generation of young Americans is taking up arms to defend our freedoms against the threat of international terrorism, let's follow the example set by Chick Matthews in the last century. In this, the one hundred and first year of Chick Matthews' life, it is an honor for me to pay tribute to his example on the floor of the United States Senate.•

SUPPORT ON THE COLLEGE CAMPUSES

• Mr. BOND. Mr. President, Today I rise to recognize John K. Sheridan and Christopher A. Benson from the University of Missouri-Columbia for their outstanding accomplishment as journalism students.

The terrorist attacks on the World Trade Center and the Pentagon and the subsequent American response has caused a huge upsurge in American patriotism. Flags are proudly flying everywhere from balconies and lapel pins. ''God Bless America'' is the spontaneous song of note in arenas, ballparks, and homes. The fervor is evident in all walks of society, not the least of which is the college campus.

In my home State of Missouri, we have the world's first journalism school at the University of Missouri-Columbia. Recently, two of the top journalism students published articles in the Columbia Missourian, one calling for the reinstatement of the draft with universal service and the other criticizing Harvard University for refusing to reinstate ROTC on the Campus.

I commend John K. Sheridan and Christopher A. Benson for their thoughtful and Intriguing commentary.•

IN RECOGNITION OF THE COMPLETION OF THE ARCTIC RING OF LIFE AT THE DETROIT ZOO, ROYAL OAK, MI

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Detroit Zoological Institute upon the completion of the Arctic Ring of Life. For over 75 years, the Detroit Zoo has educated and inspired millions, while promoting conservation and advancing our understanding of the natural world.

The Arctic Ring of Life is one of the cornerstones of the Celebrating Wildlife Campaign, a series of projects which also includes the National Amphibian Conservation Center, and two other structures that are yet to be built: The Ford Center for Environmental Conservation Education and a new Animal Health Complex. Continuing the renaissance which the Detroit Zoo has experienced over the past 20 years, the completion of these projects will further solidify the Detroit Zoo's position as one of the leading zoos in the world.

Polar bears have lived at the Institute since it first opened its gates in 1928. The Arctic Ring of Life builds upon the Institute's long relationship with the bears of the North. Sprawling over 4.2 acres, this exhibit will showcase more than just polar bears. It will provide a glimpse into life above the Arctic Circle. At the entrance of the Arctic Ring of Life, visitors will be

greeted by a nine-foot granite polar bear sculpture. From there, visitors will travel through an Inuit village as it appeared in the early 1900's. The exhibit also includes a display of a tundra area containing colorful grasses, wildflowers and other arctic plants. This area will also be home to snowy owls and arctic fox, two of the most common arctic animals. Visitors will then enter into the Nunavut Gallery, an indoor room containing Inuit art as well as interpretive graphics.

Beyond the gallery is the most unique part of the exhibit: a spectacular 70-foot-long passage that allows visitors to wind through a 300,000 gallon marine environment. The first of its kind in the world, the tunnel will take visitors beneath both the polar bear and seal areas. Those visitors lucky enough to be in the tunnel when the bears are in the water are able to look around and marvel at the grace of the largest land predator swimming effortlessly in the water.

After exiting the tunnel, visitors follow the edge of the glacier to the ''Exploration Station.'' Maintaining the exhibit's goal of educating while entertaining, children and adults can have a first hand experience with the tools of the arctic scientist while at the station. The equipment in the building includes a thermal imaging station which children can use to see how heat is escaping the body, and a remote video camera which can be used to survey the exhibit. Following one last spectacular overview of the whole exhibit, visitors exit with a new and enhanced understanding of the fragile arctic region and its importance for the world.

The Zoological Institute is one of Detroit's most important cultural centers. Nevertheless, the zoo, like the city itself, has gone through periods of difficulty and turmoil. However, thanks to the dedicated work and contributions of thousands, the Detroit Zoo has prevailed. Beginning with the completion of the Great Apes of Harambee in the late 1980's, the Detroit Zoo has renovated or opened many new exhibits in the past two decades. While the Detroit Zoological Institute has long been one of the best zoos in the country, it is now undisputably one of the best in the world.

As a lifelong resident of Detroit, I am heartened to see the renovations done to the Detroit Zoo and the opening of this new exhibit. The Detroit Zoological Institute is an important cultural institution for not only the city of Detroit, but the entire State of Michigan. I trust that my Senate colleagues will join me in congratulating the Detroit Zoo on its growth and wishing it the best in the coming years.●

TRIBUTE TO FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF HAZARD, KENTUCKY

● Mr. BUNNING. Mr. President, I rise today to applaud the extraordinary and selfless efforts of the First Federal Savings & Loan Association of Hazard, Kentucky in furthering the educational development of Hazard Community College and the surrounding area of Eastern Kentucky.

In the aftermath of the attacks perpetrated on September 11, Hazard Community College found themselves at a loss for adequate funding for their newly planned building when a major philanthropist had to withdraw previously committed funds. The building was projected to be the campus' main building with plans to include a student center, bookstore, cafeteria, meeting area, economic development center for Eastern Kentucky, and a community center. Without proper funding, the project appeared to be heading for failure. However, in a Herculean display of courage and character, First Federal Savings & Loan Association, led by President and CEO Tony Whitaker, stepped in and played the heroic role.

By locally rising $3 to $4 million through an eleventh-hour fundraising campaign to match state and federal funds and also graciously providing a half million dollars directly from the bank, First Federal Savings & Loan was able to secure appropriate funding for the project to continue as planned.

In trying times such as these, we all can learn from the example set by Mr. Whitaker and the First Federal Savings & Loan Association of Hazard with their commitment to education and the community.●

CONGRATULATIONS DAN WENK, SUPERINTENDENT OF MT. RUSHMORE

● Mr. JOHNSON. Mr. President, I rise today to congratulate Dan Wenk, former Superintendent of Mt. Rushmore National Memorial. Dan was recently promoted and is currently serving the National Park Service as the director of the Denver Service Center.

Dan started serving as Superintendent of Mt. Rushmore 16 years ago. Over the past 16 years, Dan has had oversight over numerous big events, including the 50th anniversary observance in 1991, which was a national observance that highlighted the memorial's significance as this country's 'Shrine of Democracy'. President George Bush, actor Jimmy Stewart and many other national and statewide celebrities took part in the event.

In recent years, Mount Rushmore has also been placed on the national stage with its awesome and impressive Independence Day fireworks celebration. Thousands of people descend upon the monument around the July 4th holiday to listen to patriotic music, witness one of the Nation's best fireworks displays and unite in a patriotic spirit.

During his tenure, Wenk helped showcase Mount Rushmore National Memorial to a worldwide audience, numbering in excess of two million visitors annually. These visitors have included presidents, cabinet members, members of Congress, and national celebrities. But I know Dan's biggest reward came in visiting with the general public and answering countless questions from inquiring folks of all ages.

In recent years, Dan shepherded a massive $30 million renovation project to redesign outdated facilities and expand the visitor experience at the memorial. The expanded amphitheater, the Lincoln Borglum Museum and the Presidential Trail are just a few of the renovations that marked this project. Expanded and renovated parking, dining and gift shop facilities greet today's visitors to Mount Rushmore.

Over the years, Dan has not been afraid to tackle challenging issues affecting Mount Rushmore. He has dealt with the occasional protester and anthrax threat. As the renovation took several years to complete, Dan recognized the importance of continued leadership to oversee the project. It was very important to communicate the status of the project and the intricacies of the rebuilding phases to the local citizenry, many of whom were skeptical of any changes made to the memorial. At times, during the renovation and parking fee debates, Dan tackled the challenge of keeping the local public informed, addressed opponents' questions and letters to the editor, and even answered the occasional congressional inquiry—all with calmness, all with a professional attitude and all with a dedication to the final goal, which was completion of a massive renovation to one of this nation's most prized symbols. As if overseeing the political wrangling was not enough, Dan would sometimes get away from it all and come down from the mountain to don a striped shirt and officiate local basketball games. I do not know which was the bigger challenge: dealing with intricate construction details and the occasional verbal or written jab, or whistling a foul in the final seconds of a tightly-contested high school basketball game between city rivals.

Dan's responsibilities for his new position will include the oversight of planning, design and construction in national parks throughout the United States. Although this is a big loss for Mt. Rushmore and South Dakota, I know his experience and leadership will benefit the entire country. Dan and I started roughly at the same time. I was first elected to Congress in 1986 and Dan started at Mt. Rushmore in 1985. It has been an honor for me and my staff to work with Dan and his staff, and he will be sorely missed. I have appreciated Dan's insight, honesty and professional attitude over the years. I look forward to continuing my relationship with Dan in his new position and I know that he will show the same professionalism in Denver that he showed in South Dakota.

Congratulations Dan and I wish you and your family the best of luck in Denver and in your new position.●

IN RECOGNITION OF LEE BOLLINGER'S SERVICE AS PRESIDENT OF THE UNIVERSITY OF MICHIGAN

• Mr. LEVIN: Mr. President, today I would like to pay tribute to a dynamic and visionary leader in my home State of Michigan, Mr. Lee Bollinger.

For nearly 5 years, Lee Bollinger has served as the president of one of the world's premier institutions of higher learning, the University of Michigan. During the Bollinger administration, the University of Michigan has experienced a period of dynamic growth and change.

At a time when it is essential to keep higher education affordable for all Americans, it is imperative that universities do all they can to provide a quality education at an affordable price. Lee Bollinger has worked hard to place the University of Michigan in a healthy financial position so that it can meet its financial obligations. The University has operated its fiscal affairs astutely under Lee's leadership. U of M's endowment is now the fourth largest among public universities.

In recent years, some have suggested that university presidents are chosen more for their ability to raise money than for their academic prowess or vision for the modern research university. Despite his success at managing the University's fiscal affairs, Lee Bollinger was not such a university president. He is truly a Renaissance man whose vision of the University as a tool for academic and social progress permeated all that he did while in Ann Arbor.

Lee Bollinger's vision for the University has reinforced Michigan's role as a leader in the arts and sciences. He was instrumental in the construction of the Walgreen Drama Center, which houses the 450-seat theater named in honor of the most famous living American playwright and an alumnus of the University of Michigan, Arthur Miller. In addition, he made it possible to bring the Royal Shakespeare Company to campus.

The sciences have also flourished under Lee's tenure. He has worked to develop the University's Life Sciences Initiative, which will soon house hundreds of researchers who will probe the human genome and will work to discover new treatments for a variety of diseases. This initiative has the potential to make both the University and the State of Michigan leaders in the emerging field of biotechnology.

My admiration for Lee has also been shaped by his unwavering support of the University's affirmative action policy in admissions. Under his stewardship, the University has made inclusion and diversity its bywords. Lee has steadfastly led the defense of the University's policies in two separate lawsuits that are currently being heard in Federal court, and which may ultimately be heard before the Supreme Court. I thank him for his tremendous commitment to making sure that the University of Michigan continues to provide a diverse learning environment for all of its students. I know the University will continue to fight for these issues even after Lee moves on to his new position as President of Columbia University.

Just last month, Lee was recognized by the Association of Academic Health Centers with the Herbert W. Nickens Award in honor of his strong advocacy for diversity at the University and in our Nation. It is an award that is well deserved.

As Lee Bollinger leaves Ann Arbor for New York City, I want to take this opportunity to wish him and his wife, Jean, all the best. During his tenure as President, Lee Bollinger enhanced the University of Michigan's stature as one of the premier institutions of learning in the world. I know that my Senate colleagues will join me in congratulating Lee Bollinger on his tenure as President of the University of Michigan. I trust that the Columbia University community will soon come to admire him as much as we have in Michigan.•

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1786. A bill to expand aviation capacity in the Chicago area.

S. 1789. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 2336: A bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. (Rept. No. 107–111).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with amendments:

S. 835: A bill to establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes. (Rept. No. 107–112).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

H.R. 700: A bill to reauthorize the Asian Elephant Conservation Act of 1997. (Rept. No. 107–113).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1621: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area. (Rept. No. 107–114).

S. 1623: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents. (Rept. No. 107–115).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1624: A bill to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes. (Rept. No. 107–116).

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany S. 1731, An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes. (Rept. No. 107–117).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. Con. Res. 80: A concurrent resolution expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Health, Education, Labor, and Pension pursuant to the order of December 7, 2001:

DEPARTMENT OF LABOR

Tammy Dee McCutchen, of Illinois, to be Administrator of the Wage and Hour Division, Department of Labor.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Ketty M. Gonzalez and ending Amanda D. Stoddard, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1783. A bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and of other purposes: to the Committee on Indian Affairs.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1784. A bill to provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) being included in future decennial census of population, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CLELAND (for himself, Mr. DEWINE, Mr. BIDEN, Mr. BINGAMAN, Mrs. CARNAHAN, Mrs. CLINTON, Mr. LEVIN, Mr. LIEBERMAN, Mr. MILLER, Ms. MIKULSKI, Mr. HAGEL, and Mr. REID):

S. 1785. A bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. INHOFE, Mr. REID, Mr. DORGAN, Mr.

BURNS, Mr. ROCKEFELLER, Mr. BREAUX, Mr. BROWNBACK, Mr. TORRICELLI, and Mr. JOHNSON):

S. 1786. A bill to expand aviation capacity in the Chicago area.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1787. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, and Mr. CORZINE):

S. 1788. A bill to give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. DEWINE):

S. 1789. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; read the first time.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1790. A bill to designate the lobby of the James A. Byrne United States Courthouse located at 601 Market Street in Philadelphia, Pennsylvania, as the ''Edward R. Becker Lobby''; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself and Mr. FEINGOLD):

S. Res. 188. A resolution expressing the sense of the Senate that lobbyist should not be granted special access privileges to the Capitol and congressional offices that are not available to other American citizens; to the Committee on Rules and Administration.

By. Mr. SCHUMER:

S. Con. Res. 89. A concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and the use of electricity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 926

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 942

At the request of Mr. HUTCHINSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 942, a bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002.

S. 1214

At the request of Mr. HOLLINGS, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1478

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1566

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1566, a bill to amend the Internal Revenue code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1663

At the request of Mrs. CLINTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1663, a bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

S. 1675

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1675, a bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004.

S. 1686

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. NELSON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1745

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. 1765

At the request of Mr. FRIST, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

S. 1782

At the request of Mr. WARNER, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1782, a bill to authorize the burial in Arlington National Cemetery of any former Reservist who died in the September 11, 2001, terrorist attacks and would have been eligible for burial in Arlington National Cemetery but for age at time of death.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day''.

S. RES. 187

At the request of Mr. CLELAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 187, a resolution commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator DASCHLE's office.

S. CON. RES. 88

At the request of Mr. HARKIN, his name was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing solidarity with Israel in the fight against terrorism.

AMENDMENT NO. 2268

At the request of Mr. WARNER, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2268 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2305

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2305 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2368

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2368 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2372

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 2372 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2376

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 2376 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 2376 proposed to H.R. 3338, supra.

At the request of Mr. INOUYE, his name was added as a cosponsor of amendment No. 2376 proposed to H.R. 3338, supra.

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 2376 proposed to H.R. 3338, supra.

AMENDMENT NO. 2401

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 2401 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2405

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2405 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2409

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 2409 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2418

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 2418 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2419

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 2419 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2420

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 2420 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2439

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 2439 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1784. A bill to provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) be included in future decennial census of population, and for other purposes; to the Committee on Governmental Affairs.

Mr. STEVENS. Mr. President, I thank Senator INOUYE for joining me today in introducing an important piece of legislation, the Full Equality for Americans Abroad Act. This legislation directs the Secretary of Commerce to ensure that all American citizens living abroad be included in each future decennial census for the purposes of the tabulations required for the apportionment of Representatives in Congress. The Secretary of Commerce will report its findings to Congress no later than September 30, 2002.

Americans living abroad play an important role in shaping the World's view of our country. As the trade becomes more and more global, Americans living abroad will have an even larger role in the exports overseas that help our Nation's economy. They vote and pay taxes in the United States, yet they are not included in the census. They spread the seeds of democracy in areas throughout the world and help to promote the value of freedom that Americans hold so dear. We count the men and women of the Armed Services and other government employees who serve this country abroad, it is time that we count private citizens living abroad as well.

I commend Representative GILMAN for his work on this issue in the House and look forward working with my colleagues in the Senate to pass this important legislation.

By Mr. CLELAND (for himself, Mr. DEWINE, Mr. BIDEN, Mr. BINGAMAN, Mrs. CARNAHAN, Mrs. CLINTON, Mr. LEVIN, Mr. LIEBERMAN, Mr. MILLER, Ms. MIKULSKI, Mr. HAGEL, and Mr. REID):

S. 1785. A bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes; to the Committee on the Judiciary.

Mr. CLELAND. Mr. President, I am here today, on the 60th anniversary of the attack on Pearl Harbor. My father served in World War II at Pearl Harbor after the attack, and I grew up with the legend of Pearl Harbor in my own life.

I will introduce a bill urging the President to establish the White House Commission on National Military Appreciation Month.

I want to begin by thanking my colleagues and cosponsors, Senators BIDEN, BINGAMAN, CARNAHAN, CLINTON, DEWINE, HAGEL, LEVIN and LIEBERMAN, MIKULSKI, MILLER, and SENATOR HARRY REID.

Thanks also are due to General Tilleli, the president of the USO, and to Ms. Alice Wax, whose support and tireless efforts on behalf of National

Military Appreciation Month have made this day a reality.

The bill is framed to afford the President the widest possible flexibility with regard to the recommended Commission and National Military Appreciation Month itself. There is no money authorized in this bill. The establishment of the Commission, the composition of the Commission, and the scope of the Commission's activities are framed as recommendations. I have framed it in this way to make it an easy bill to support, because I believe it is a bill we should all support, and I will tell you why.

Sixty years ago today, just before 8 a.m. on a Sunday morning, the first wave of bombers began the attack on Pearl Harbor that thrust the United States into World War II. It was an unforgettable day for those who lived through it, one which called America forth from an isolationist slumber to defend itself, and in so doing, inspired a generation of Americans to rise and lead the defense of freedom around the world. In the years since that fateful day, our Nation has become the most powerful and prosperous nation in the world. A few short years ago, with the generation that secured this prosperity and power still in our midst, I and my colleagues on the Senate Armed Services Committee heard testimony from the leaders of our military concerning the difficulties they were having recruiting and retaining sufficient numbers of young Americans in our Armed Forces. We crafted a package of incentives, and began the process of restoring military compensation to a more appropriate level. Even today, with recruiting and retention back to more acceptable levels, we continue to struggle to meet the funding levels required to sustain a strong military.

Eighty-seven days ago, America was attacked again, and for only the second time in modern history, American blood was shed on American soil by a foreign foe. Most of the casualties of this most recent attack were civilians, a reflection of the many ways in which the world has changed since 1941. Once again, a generation of Americans has been called to rise to the defense of our way of life—this time not against an aggressor nation but against the global terrorist networks that have targeted us. Osama bin Laden's network in Afghanistan is our target now. It is not as clear how many other networks lie in wait.

Some things are clear, though. The American military has been essential in responding to this latest attack. There will continue to be challenges, but we must recognize our military in every special way we can.

That is why we, as a nation, cannot afford to forget the price of our freedom.

Maintaining our military and our readiness is one of the keys to our freedom. I support this National Day of Military Recognition and urge the support by this body of the Commission that recommends the month of May as National Military Appreciation Month.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1787. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1787

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 ''Rural Safety Act of 2001''.

TITLE I—SMALL COMMUNITY LAW ENFORCEMENT IMPROVEMENT GRANTS

SEC. 101. SMALL COMMUNITY GRANT PROGRAM.

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—

''(1) IN GENERAL.—The Attorney General may make grants to units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, which grants shall be targeted specifically for the retention for 1 additional year of police officers funded through the COPS Universal Hiring Program, the COPS FAST Program, the Tribal Resources Grant Program-Hiring, or the COPS in Schools Program.

''(2) PREFERENCE.—In making grants under this subsection, the Attorney General shall give preference to grantees that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers described in paragraph (1).

''(3) LIMIT ON GRANT AMOUNTS.—The total amount of a grant made under this subsection shall not exceed 20 percent of the original grant to the grantee.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2002 through 2006.

''(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.''.

SEC. 102. SMALL COMMUNITY TECHNOLOGY GRANT PROGRAM.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (k) and inserting the following:—

''(k) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—Grants made under subsection (a) may be used to assist the police departments of units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in employing professional, scientific, and technological advancements that will help those police departments to—

''(A) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate and operate more effectively; and

''(B) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities.

''(2) COST SHARE REQUIREMENT.—A recipient of a grant made under subsection (a) and used in accordance with this subsection shall provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant made under this subsection, subject to a waiver by the Attorney General for extreme hardship.

''(3) ADMINISTRATION.—The COPS Office shall administer the grant program under this subsection.

''(4) NO SUPPLANTING.—Federal funds provided under this subsection shall be used to supplement and not to supplant local funds allocated to technology.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated $40,000,000 for each of fiscal years 2002 through 2006 to carry out this subsection.

''(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.''.

SEC. 103. RURAL 9–1–1 SERVICE.

(a) PURPOSE.—The purpose of this section is to provide access to, and improve a communications infrastructure that will ensure a reliable and seamless communication between, law enforcement, fire, and emergency medical service providers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area and in States.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local government and tribal governments located outside a Standard Metropolitan Statistical Area for the purpose of establishing or improving 9–1–1 service in those communities. Priority in making grants under this section shall be given to communities that do not have 9–1–1 service.

(c) DEFINITION.—In this section, the term ''9–1–1 service'' refers to telephone service that has designated 9–1–1 as a universal emergency telephone number in the community served for reporting an emergency to appropriate authorities and requesting assistance.

(d) LIMIT ON GRANT AMOUNT.—The total amount of a grant made under this section shall not exceed $250,000.

(e) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2002, to remain available until expended.

(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

SEC. 104. JUVENILE OFFENDER ACCOUNTABILITY.

(a) PURPOSES.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of rural local governments and tribal governments located outside a Standard Metropolitan Statistical Area to establish restorative justice programs, such as victim and offender mediation, family and community conferences,

family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) PROGRAM CRITERIA.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for fiscal year 2002 for grants to establish programs; and

(B) $5,000,000 for each of fiscal years 2003 and 2004 to continue programs established in fiscal year 2002.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

TITLE II—CRACKING DOWN ON METHAMPHETAMINE

SEC. 201. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.

Subpart I of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by inserting after section 509 the following:

"SEC. 510A. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to community-based public and nonprofit private entities for the establishment of substance abuse (particularly methamphetamine) prevention and treatment pilot programs in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

''(b) ADMINISTRATION.—Grants made in accordance with this section shall be administered by a single State agency designated by a State to ensure a coordinated effort within that State.

''(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—A recipient of a grant under this section shall use amounts received under the grant to establish a methamphetamine abuse prevention and treatment pilot program that serves one or more rural areas. Such a pilot program shall—

''(1) have the ability to care for individuals on an in-patient basis;

''(2) have a social detoxification capability, with direct access to medical services within 50 miles;

''(3) provide neuro-cognitive skill development services to address brain damage caused by methamphetamine use;

''(4) provide after-care services, whether as a single-source provider or in conjunction with community-based services designed to continue neuro-cognitive skill development to address brain damage caused by methamphetamine use;

''(5) provide appropriate training for the staff employed in the program; and

''(6) use scientifically-based best practices in substance abuse treatment, particularly in methamphetamine treatment.

''(e) AMOUNT OF GRANTS.—The amount of a grant under this section shall be at least $19,000 but not greater than $100,000.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $2,000,000 to carry out this section.

''(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments to ensure the provision of services under this section.''.

SEC. 202. METHAMPHETAMINE PREVENTION EDUCATION.

Section 519E of the Public Health Service Act (42 U.S.C. 290bb-25e) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(H) to fund programs that educate rural communities, particularly parents, teachers, and others who work with youth, concerning the early signs and effects of methamphetamine use, however, as a prerequisite to receiving funding, these programs shall—

''(i) prioritize methamphetamine prevention and education;

''(ii) have past experience in community coalition building and be part of an existing coalition that includes medical and public health officials, educators, youth-serving community organizations, and members of law enforcement;

''(iii) utilize professional prevention staff to develop research and science based prevention strategies for the community to be served;

''(iv) demonstrate the ability to operate a community-based methamphetamine prevention and education program;

''(v) establish prevalence of use through a community needs assessment;

''(vi) establish goals and objectives based on a needs assessment; and

''(vii) demonstrate measurable outcomes on a yearly basis.'';

(2) in subsection (e)—

(A) by striking ''subsection (a), $10,000,000'' and inserting ''subsection (a)—

''(1) $10,000,000'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) $5,000,000 for each of fiscal years 2002 through 2006 to carry out the programs referred to in subsection (c)(1)(H).''; and

(3) by adding at the end the following:

''(f) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be used to assist tribal governments.

''(g) AMOUNT OF GRANTS.—The amount of a grant under this section, with respect to each rural community involved, shall be at least $19,000 but not greater than $100,000.''.

SEC. 203. METHAMPHETAMINE CLEANUP.

(a) IN GENERAL.—The Attorney General shall, through the Department of Justice or through grants to States or units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in accordance with such regulations as the Attorney General may prescribe, provide for—

(1) the cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(2) the improvement of contract-related response time for cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area by providing additional contract personnel, equipment, and facilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2002 to carry out this section.

(2) FUNDING ADDITIONAL.—Amounts authorized by this section are in addition to amounts otherwise authorized by law.

(3) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

TITLE III—LAW ENFORCEMENT TRAINING.

SEC. 301. SMALL TOWN AND RURAL TRAINING PROGRAM.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the National Center for State and Local Law Enforcement Training of the Federal Law Enforcement Training Center (FLETC) as part of the Small Town and Rural Training (STAR) Program to—

(1) assess the needs of law enforcement in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area;

(2) develop and deliver export training programs regarding topics such as drug enforcement, airborne counterdrug operations, domestic violence, hate and bias crimes, computer crimes, law enforcement critical incident planning related to school shootings, and other topics identified in the training needs assessment to law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 2002, and $5,000,000 for each of fiscal years 2003 through 2006 to carry out this section, including contracts, staff, and equipment.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1790. A bill to designate the lobby of the James A. Byrne United States Courthouse located at 601 Market Street in Philadelphia, Pennsylvania, as the ''Edward R. Becker Lobby''; to the Committee on Environmental and Public Works.

Mr. SPECTER. Mr. President, today, I am introducing legislation on behalf of Senator RICK SANTORUM and myself to name the newly remodeled lobby of the United States Courthouse at Sixth and Market Streets, Philadelphia, PA, in honor of Chief Judge Edward R. Becker of the United States Court of Appeals for the Third Circuit.

It would be impossible to find a Federal jurist in the United States more deserving of recognition than Chief Judge Becker. I say that from my intimate knowledge of Ed Becker for more

than fifty years, since we first rode the elevated train from Northeast Philadelphia to the campus of the University of Pennsylvania in September of 1950 when he was a freshman and I was a senior. We studied together, debated together, socialized together, and married beautiful young women, Flora Lyman and Joan Levy, who sat next to each other at Olney High School.

Ed was an honors student at Penn where he was elected to Phi Beta Kappa and similarly an outstanding student at the Yale Law School, where our law school studies overlapped for two years with Ed graduating in 1957. For thirteen years, he was a distinguished Philadelphia lawyer in partnership with his father, Herman Becker, and his brother-in-law, Lewis Fryman. During his legal career he was active in Republican politics. It is, of course, an open secret that nomination to the Federal Bench has a political aspect as well as the requirement for legal skills. After all, the President makes the appointments with some consideration for the recommendations of United States Senators. Ed Becker is an unusual example of qualifying for a seat on the United States District Court, where he was appointed in 1970, for being a Republican loyalist and political activist as well as an astute, accomplished lawyer. Most are appointed with only one of those two credentials. In addition to being counsel to the Republican City Committee, Ed took on candidacies for State Senate and City Council in Philadelphia which are kamikaze ventures except in rare and extraordinary circumstances.

Judge Becker served on the United States District Court for the Eastern District of Pennsylvania from December 1970 until January 1982 when he was elevated to the United States District court for the Third Circuit. On the Federal Bench, Ed's legal scholarship has been prolific and prodigious. His 958 opinions cover the cutting edge of evolving jurisprudential issues. He once wrote an opinion in rhyme. His opinion in the Japanese Electronics Case was more than 500 pages long replete with extensive footnote documentation, as is his practice. He was recently honored by the University of Pennsylvania Law Review in May 2001 which details his extraordinary judicial service. He is the fifth most senior active Federal judge in the United States.

To name the Federal Courthouse Lobby for Chief Judge Becker would be a reciprocal honor. It would be an honor to Judge Becker. It would also be an honor to the Federal Courthouse Lobby.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 188—EXPRESSING THE SENSE OF THE SENATE THAT LOBBYISTS SHOULD NOT BE GRANTED SPECIAL ACCESS PRIVILEGES TO THE CAPITOL AND CONGRESSIONAL OFFICES THAT ARE NOT AVAILABLE TO OTHER AMERICAN CITIZENS

Mr. CORZINE (for himself and Mr. FEINGOLD) submitted the followintg resolution; whichwas referred to the Committee on Rules and Administration:

S. RES. 188

Whereas a fundamental principle of American democracy is that all citizens are created equal and all should have access to Government leaders;

Whereas there is a perception among many Americans that special interest groups and lobbyists for special interest groups have access to decision makers that ordinary citizens do not have;

Whereas this perception contributes to a belief that middle-class citizens, and those of more modest means, are treated unfairly in the political process;

Whereas it is important that Americans have confidence that Congress will treat all citizens equitably, regardless of whether they are represented by professional lobbyists;

Whereas recent terrorist events have increased the need for security precautions at the Capitol and surrounding congressional office buildings;

Whereas tightened security measures may make it more difficult for members of the public and lobbyists to gain access to the Capitol complex;

Whereas some lobbyists are now seeking to gain special privileges for access to the Capitol complex that would not be available to other members of the general public who have official business before Congress;

Whereas giving lobbyists privileged access to congressional offices that is not available to the general public who have official business before Congress would further contribute to the perception that ordinary citizens are treated unfairly in the legislative process; and

Whereas granting privileged access for lobbyists is likely to increase public cynicism about Congress and the political process and heighten concerns about the excessive influence of special interests and lobbyists: Now, therefore, be it

Resolved, That it is the sense of the Senate that in establishing rules governing access to the Capitol or congressional offices for those who have official business before Congress, lobbyists should not be granted special privileges that are not available to other American citizens.

Mr. CORZINE. Mr. President, today, along with Senator FEINGOLD, I am submitting a resolution expressing the sense of the Senate that in establishing rules governing access to the Capitol or congressional offices for those who have official business before the Congress, lobbyists should not be granted special privileges that are not available to other American citizens.

A fundamental principle of American democracy is that all citizens are created equal and all should have access to government leaders. Unfortunately, there is a perception among many Americans that special interests and their lobbyists have access to decision-makers that ordinary citizens lack. This contributes to the widespread belief that middle class citizens, and those of more modest means, are treated unfairly in the political process. In my view, it is critically important that we do everything reasonably practicable to give Americans confidence that Congress will treat all citizens equitably, regardless of whether they are represented by professional lobbyists.

Recent terrorist events have focused attention on the need for security precautions at the Capitol and surrounding congressional office buildings. Already, tightened security measures have restricted access to the Capitol. I expect that other changes will be considered in the future as we seek to find an appropriate balance between legitimate security concerns and the need to give citizens access to their elected representatives. Unfortunately, in recent weeks, we have heard increasingly that some professional lobbyists are seeking to gain special privileges for access to the Capitol complex that would not be available to other members of the general public who have official business before the Congress. I believe that granting such special access would be a mistake, and that is why I am introducing this resolution.

I understand that lobbyists can play an important role in the legislative process and have legitimate rights to participate in that process, just like other Americans. In my view, however, it would not be fair to provide lobbyist with special privileges that are not provided to other citizens who have official business before the Congress. Such privileged access would further contribute to the perception that ordinary citizens are treated unfairly in the legislative process and heighten concerns about the excessive influence of special interests and lobbyists. All Americans have a stake in debates before the Congress, not just lobbyists. If an elderly individual spends her own money to come to Washington to protect her Social Security benefits, there is no reason why she should face greater restrictions than a lobbyist representing a corporation seeking a special tax break. I hope my colleagues will support this resolution.

SENATE CONCURRENT RESOLUTION 89—RECOGNIZING AND HONORING JOSEPH HENRY FOR HIS SIGNIFICANT AND DISTINGUISHED ROLE IN THE DEVELOPMENT AND ADVANCEMENT OF SCIENCE AND THE USE OF ELECTRICITY

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 89

Whereas Joseph Henry, a native of New York, deserves recognition and honor for his

distinguished contributions to the development and advancement of science and the use of electricity and for his public service to the United States during the 19th century;

Whereas Joseph Henry was born December 17, 1797, in Albany, New York, the son of William and Ann Henry;

Whereas Joseph Henry served as an apprentice to John Doty, a watchmaker and jeweler, in preparation for attendance at the Albany Academy;

Whereas from 1819 to 1822, Joseph Henry attended advanced classes at the Albany Academy and, in the spring of 1826, was elected to the professorship of Mathematics and Natural Philosophy in the Albany Academy;

Whereas Joseph Henry revolutionized scientific education by using experiment-based teaching methods at the Albany Academy, and in 1829 was awarded an honorary master's degree by Union College, despite having no formal college education;

Whereas Joseph Henry conducted many experiments with electromagnets, which led to his successful design and construction of an electromagnet capable of lifting 750 pounds;

Whereas Joseph Henry continued to improve upon the development of the electromagnet, building an electromagnet for Yale University in 1831 that was capable of lifting 2,300 pounds, and another electromagnet in 1833, known as ''Big Ben'', that was capable of lifting 3,500 pounds, and was, at the time, the most powerful electromagnet ever built;

Whereas in January 1831, Joseph Henry helped lay the groundwork for the development of the electromagnetic telegraph by distinguishing between quantity and intensity magnets and by publishing those findings in the American Journal of Science;

Whereas the modern practical unit of induction is commonly referred to as the ''Henry'' in honor of Joseph Henry's research and discoveries regarding self-induction;

Whereas Joseph Henry, while conducting research at the Albany Academy, invented an electromagnetic motor made of a horizontally poised bar electromagnet that would rock back and forth as the current through it was automatically reversed;

Whereas Joseph Henry, while serving as Professor of Natural Philosophy in the College of New Jersey at Princeton (later renamed ''Princeton University''), conducted experiments from 1838 to 1842 that laid the theoretical groundwork for modern step-up and step-down transformers;

Whereas, on December 14, 1846, Joseph Henry was selected as the first Secretary and Director of the Smithsonian Institution;

Whereas, in his first report to the Board of Regents of the Smithsonian Institution, Joseph Henry proclaimed that the purpose of the Smithsonian Institution, the increase and diffusion of knowledge among men, would be best achieved by supporting original research and providing for the wide distribution of the most recent findings in the various fields of natural sciences;

Whereas in 1850 Joseph Henry, as Secretary of the Smithsonian Institution, established the system of receiving weather reports by telegraph and utilizing such reports to predict weather conditions and issue storm warnings;

Whereas in 1869 Congress established a national weather bureau upon the recommendation of Joseph Henry;

Whereas Joseph Henry was appointed as a member of the Light House Board in 1852, and served as its president from 1871 until his death in 1878;

Whereas Joseph Henry was an original member of the National Academy of Sciences, its vice president in 1866, and its president from 1868 until his death in 1878;

Whereas Joseph Henry died in the District of Columbia on May 13, 1878;

Whereas Joseph Henry's prominence was such that a memorial service was held in his honor on January 16, 1879, in the Hall of the House of Representatives, and was attended by the President, Vice President, members of the President's Cabinet, Justices of the Supreme Court, Members of Congress, and members of the Board of Regents of the Smithsonian Institution; and

Whereas the memory of Joseph Henry was honored at the opening of the Library of Congress in 1890 by including a statue of Joseph Henry among the 16 bronze portrait statues on display which represent human development and civilization: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and honors Joseph Henry for his significant and distinguished role in the development and advancement of science and the use of electricity.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2310. Mr. LUGAR (for himself, Mr. LEVIN, Mr. BIDEN, Mr. HAGEL, Mr. DOMENICI, Mr. BINGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. MCCAIN, Mr. GRAHAM, Mr. KERRY, Mr. SMITH, of Oregon, Mr. REED, Mr. CONRAD, and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2311. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2312. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2313. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2314. Mr. BUNNING (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2315. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2316. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2317. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2318. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2319. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2320. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2321. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2322. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2323. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2324. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2325. Mr. REID (for Mr. WELLSTONE (for himself, Mr. GREGG, Mr. DAYTON, Mr. DURBIN, Mr. LEAHY, Mr. BIDEN, Mr. CARPER, Mr. REID, Mr. SCHUMER, Mr. JOHNSON, Mr. BOND, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 3338, supra.

SA 2326. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2327. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2328. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2329. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2330. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2331. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2332. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2333. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2334. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2335. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2336. Mr. HELMS (for himself, Mr. MILLER, Mr. HAGEL, Mr. HATCH, Mr. SHELBY, Mr. MURKOWSKI, Mr. BOND, Mr. WARNER, Mr. ALLEN, Mr. FRIST, and Mr. HUTCHINSON) proposed an amendment to the bill H.R. 3338, supra.

SA 2337. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2338. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2340. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2341. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2342. Mr. BAYH (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2343. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DORGAN, Mr. INHOFE, Mr. BURNS, Mr. BREAUX, Mr. REID,

Mr. ROCKEFELLER, Mr. TORRICELLI, and Mr. JOHNSON) proposed an amendment to the bill H.R. 3338, supra.

SA 2344. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2345. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2346. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2347. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2348. Mr. BYRD (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill H.R. 3338, supra.

SA 2349. Mr. FEINGOLD (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 3338, supra.

SA 2350. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2351. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2352. Mr. STEVENS (for Mr. GRAMM (for himself and Mr. MCCAIN)) proposed an amendment to the bill H.R. 3338, supra.

SA 2353. Mr. BOND (for himself and Mrs. CARNAHAN) proposed an amendment to the bill H.R. 3338, supra.

SA 2354. Mr. BOND proposed an amendment to the bill H.R. 3338, supra.

SA 2355. Mr. BOND proposed an amendment to the bill H.R. 3338, supra.

SA 2356. Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. BIDEN, and Mr. CARPER) proposed an amendment to the bill H.R. 3338, supra.

SA 2357. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 3338, supra.

SA 2358. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, supra.

SA 2359. Mr. STEVENS (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, supra.

SA 2360. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, supra.

SA 2361. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, supra.

SA 2362. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, supra.

SA 2363. Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 3338, supra.

SA 2364. Mr. INOUYE (for Mrs. LINCOLN) proposed an amendment to the bill H.R. 3338, supra.

SA 2365. Mr. INOUYE proposed an amendment to the bill H.R. 3338, supra.

SA 2366. Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 3338, supra.

SA 2367. Mr. INOUYE (for Mr. KERRY) proposed an amendment to the bill H.R. 3338, supra.

SA 2368. Mr. INOUYE (for Mr. KERRY) proposed an amendment to the bill H.R. 3338, supra.

SA 2369. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2370. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, supra.

SA 2371. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, supra.

SA 2372. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, supra.

SA 2373. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, supra.

SA 2374. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, supra.

SA 2375. Mr. INOUYE proposed an amendment to the bill H.R. 3338, supra.

SA 2376. Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 3338, supra.

SA 2377. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 3338, supra.

SA 2378. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2379. Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 3338, supra.

SA 2380. Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill H.R. 3338, supra.

SA 2381. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, supra.

SA 2382. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, supra.

SA 2383. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill H.R. 3338, supra.

SA 2384. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3338, supra.

SA 2385. Mr. STEVENS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 3338, supra.

SA 2386. Mr. INOUYE (for Mr. KERRY (for himself and Mr. SMITH, of New Hampshire)) proposed an amendment to the bill H.R. 3338, supra.

SA 2387. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2388. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2389. Mr. STEVENS (for Mr. LUGAR (for himself, Mr. LEVIN, Mr. BIDEN, Mr. HAGEL, Mr. DOMENICI, Mr. BINGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. MCCAIN, Mr. GRAHAM, Mr. KERRY, Mr. SMITH, of Oregon, Mr. REED, Mr. CONRAD, and Mr. CLELAND)) proposed an amendment to the bill H.R. 3338, supra.

SA 2390. Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 3338, supra.

SA 2391. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, supra.

SA 2392. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, supra.

SA 2393. Mr. STEVENS (for Mr. HELMS (for himself and Mr. EDWARDS)) proposed an amendment to the bill H.R. 3338, supra.

SA 2394. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, supra.

SA 2395. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, supra.

SA 2396. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, supra.

SA 2397. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, supra.

SA 2398. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, supra.

SA 2399. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, supra.

SA 2400. Mr. STEVENS (for Mr. THOMPSON) proposed an amendment to the bill H.R. 3338, supra.

SA 2401. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 3338, supra.

SA 2402. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2403. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 3338, supra.

SA 2404. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 3338, supra.

SA 2405. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, supra.

SA 2406. Mr. INOUYE (for Mrs. CARNAHAN) proposed an amendment to the bill H.R. 3338, supra.

SA 2407. Mr. INOUYE (for Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 3338, supra.

SA 2408. Mr. INOUYE (for Mr. DEWINE) proposed an amendment to the bill H.R. 3338, supra.

SA 2409. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, supra.

SA 2410. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, supra.

SA 2411. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 3338, supra.

SA 2412. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 3338, supra.

SA 2413. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, supra.

SA 2414. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 3338, supra.

SA 2415. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, supra.

SA 2416. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, supra.

SA 2417. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2418. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2419. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2420. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2421. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, supra.

SA 2422. Mr. INOUYE (for Mr. SARBANES) proposed an amendment to the bill H.R. 3338, supra.

SA 2423. Mr. INOUYE (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3338, supra.

SA 2424. Mr. INOUYE (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3338, supra.

SA 2425. Mr. INOUYE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3338, supra.

SA 2426. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 3338, supra.

SA 2427. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, supra.

SA 2428. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, supra.

SA 2429. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, supra.

SA 2430. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, supra.

SA 2431. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, supra.

SA 2432. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, supra.

SA 2433. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2434. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, supra.

SA 2435. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 3338, supra.

SA 2436. Mr. STEVENS (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 3338, supra.

SA 2437. Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2438. Mr. INOUYE (for Ms. STABENOW) proposed an amendment to the bill H.R. 3338, supra.

SA 2439. Mr. INOUYE (for Ms. STABENOW) proposed an amendment to the bill H.R. 3338, supra.

SA 2440. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2441. Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill H.R. 3338, supra.

SA 2442. Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2443. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill H.R. 3338, supra.

SA 2444. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, supra.

SA 2445. Mr. INOUYE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3338, supra.

SA 2446. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, supra.

SA 2447. Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2448. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, supra.

SA 2449. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, supra.

SA 2450. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2451. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2452. Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill H.R. 3338, supra.

SA 2453. Mr. INOUYE (for Mr. DASCHLE) proposed an amendment to the bill H.R. 3338, supra.

SA 2454. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2455. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2456. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, supra.

SA 2457. Mr. STEVENS proposed an amendment to the bill H.R. 3338, supra.

SA 2458. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, supra.

SA 2459. Mr. INOUYE (for Mr. DASCHLE) proposed an amendment to the bill H.R. 3338, supra.

SA 2460. Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes.

SA 2461. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes.

SA 2462. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1088, to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

SA 2463. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 1291, to amend title 38, United States Code, to modify and improve authorities relating to education benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

TEXT OF AMENDMENTS

SA 2310. Mr. LUGAR (for himself, Mr. LEVIN, Mr. BIDEN, Mr. HAGEL, Mr. DOMENICI, Mr. BINGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. MCCAIN, Mr. GRAHAM, Mr. KERRY, Mr. SMITH of Oregon, Mr. REED, Mr. CONRAD, and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135 (a) INCREASE IN AMOUNT AVAILABLE FOR FORMER SOVIET UNION THREAT REDUCTION.—The amount appropriated by title II of this division under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' is hereby increased by $46,000,000.

(b) OFFSET.—The amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby decreased by $46,000,000.

SA 2311. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $2,500,000 may be made available for the High Speed Assault Craft Advanced Composite Engineering and Manufacturing Demonstrator.

SA 2312. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $15,000,000 may be made available for the Gulf States Initiative.

SA 2313. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the amount appropriated by title VI of this division for the Defense Health Program for the Peer Reviewed Medical Research Program, $10,000,000 may be used for applied clinical research to measure medical and health care outcomes in the military health care system.

SA 2314. Mr. BUNNING (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 may made be available for a program at the Naval Medical Research Center (NMRC) to treat victims of radiation exposure (PE0604771N).

SA 2315. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill for Technical Corrections, insert the following:

Section XXX. Of the funds provided in this or any other Act for ''Defense Environmental Restoration and Waste Management'' at the Department of Energy, up to $500,000 shall be available to the Secretary of Energy for safety improvements to roads along the shipping route to the Waste Isolation Pilot Plant site.

SA 2316. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

SEC. . SHORT TITLE.

(a) Short Title—This Act may be cited as the ''Commercial Reusable In-Space Transportation Act of 2001''.

SEC. . FINDINGS.

The Congress makes the following findings:

(1) It is in national interest to encourage the development of cost-effective, in-space transportation systems, which would be developed and operated by the private sector on commercial basis;

(2) Reusable in-space transportation systems will introduce higher levels of performance into in-space operations, more efficient and safe end of life satellite disposal and increase the capability and reliability of existing ground-to-space launch vehicles;

(3) Commercial reusable in-space transportation systems will enhance the Nation's economic well-being and national security by reducing space operations costs for commercial and national space programs, adding new space capabilities to space operations;

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities, including: orbital transfers from low altitude orbits to high altitude orbits and return; correct erroneous orbits of satellites; recover, refurbish, and refuel satellites; and, provide upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits;

(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential Mars, Pluto, and other NASA planetary missions;

(6) Satellites stranded in erroneous earth orbits due to deficiencies in their launch represent major situations of economic loss to the United States, which has been as high as $3,000,000,000 to $4,000,000,000 within a 12 month period, and present major concerns for the current backlog of national space assets valued at $20,000,000,000;

(7) A commercial reusable in-space transportation system can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets;

(8) A commercial reusable in-space transportation system developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, Department of Defense, National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of development;

(9) The provision of limited direct loans or loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing, while at the same time minimizing government commitment and involvement; and

(10) It is in the national interest to utilize existing loan and loan guarantee programs to promote the development of in-space transportation systems, which are reusable and provide cost-effective solutions to operations within the space environment.

SEC. . DEFINITIONS.

For purpose of this Act:

(1) The term ''commercial provider'' means any person or entity providing commercial reusable in-orbit space transportation services, primary control of which is held by personal other than Federal, State, local and foreign governments;

(2) The term ''United States commercial provider'' means any commercial provider, organized under the laws of the United States, which is more than 50 percent owned by United States national;

(3) The term ''in-space transportation services'' means those operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle;

(4) The term ''in-space transportation vehicle'' means any vehicle designed to be based and operated in space; designed to transport various payloads or objects from one orbit to another orbit; and, designed to be reusable and refueled in space;

(5) The term ''in-space transportation system'' means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services;

(6) The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration; and

(7) The term ''Borrower'' means any United States commercial provider receiving a loan or loan guarantee under this title to develop an in-space transportation system for the purpose of providing in-space transportation services.

SEC. . COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION SYSTEMS AUTHORITY.

(1) The Administrator is authorized to make or guarantee loans to Borrowers for the purpose of developing in-space transportation systems.

(2) There is authorized the total amount not to exceed in the aggregate $1,500,000,000 for the loan commitments authorized in subsection (1).

(3) The Administrator is authorized to receive from any Borrower a credit subsidy amount such that no appropriated funds are required for any direct loan or loan guarantee authorized in this title, as finally determined by the Administrator in accordance with the Federal Credit Reform Act of 1990.

(4) The credit subsidy is authorized to be paid to the Administrator in amounts proportional to the amounts of loan disbursements received by any Borrower under the direct loan or loan guarantee, as determined by the Administrator.

(5) The Administrator is authorized to collect from any Borrower, and use, an amount not to exceed 0.5% of the amount borrowed for the administrative expenses and other annual costs of the direct loan or the loan guarantee.

(6) The Administrator is authorized to administer and oversee the Federal credit programs authorized under this title in accordance with existing law.

SEC. . TERMS AND CONDITIONS.

Loans made or guaranteed under this Act will be on such terms and conditions as the Administrator may prescribe, except that:

(1) Loans made or guaranteed will provide for complete amortization within a period not to exceed 20 years, or 100 percent of the useful life of any physical asset to be financed by the loan, whichever is shorter as determined by the Administrator;

(2) No loan made or guaranteed will be subordinated to another debt contracted by the Borrower or to any other claim against the Borrower;

(3) No loan will be guaranteed unless the Administrator determines that the Borrower is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interests of the United States;

(4) No loan will be guaranteed if the income from such loan is excluded from gross income for the purposes of Chapter 1 of the Internal Revenue Code of 1986, as amended, or if the guarantee provides significant collateral or security, as determined by the Administrator, for other obligations the income from which is so excluded;

(5) Direct loans and interest supplements on guaranteed loans will be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made or the non-Federal loans being guaranteed. The minimum interest rate of these loans will be at the interest rate of the benchmark financial instrument; and

(6) Any guarantee will be conclusive evidence that said guarantee has been properly obtained; that the underlying loan qualifies for such guarantee; and that, but for fraud or material misrepresentation by the holder, such guarantee will be presumed to be valid, legal, and enforceable.

SEC. . PAYMENT OF LOSSES.

(a) The Attorney General will take such action as may be appropriate to enforce any right accruing to the United states as a result of the issuance of any guarantee under this Act.

(b) Nothing in this section will be construed to preclude any forbearance for the benefit of the Borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Administrator, provided that there will be no cost to the Government as defined under the Federal Credit Reform Act of 1990.

(c) In the event the Borrower defaults on the loan and not withstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Administrator will have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by him pursuant to the provisions of this Act.

SA 2317. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. (a) ASSESSMENT REQUIRED.—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks.

(2) A description and assessment of the current risks in the storage of chemical weapons arising from storage of such weapons after April 2007, the required date for disposal of such weapons as stated in the Chemical Weapons Convention.

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) CONSIDERATIONS.—In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

SA 2318. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the funds appropriated by this division for research, development, test and evaluation, Navy, up to $4,000,000 may be used to support development and testing of new designs of low cost digital modems for Wideband Common Data Link.

SA 2319. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the Appropriate place in DIVISION E—TECHNICAL CORRECTIONS, insert the following:

SEC. . Nutwood Levee, Illinois. The Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended under the heading ''Title I, Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Construction, General'' by inserting after ''$3,500,000'' but before the ''.'' '': Provided further, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction on the Nutwood Levee, Illinois project''.

SA 2320. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. The amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' is hereby increased by $1,000,000, with the amount of the increase to be available for Low Cost Launch Vehicle Technology.

SA 2321. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated under title IV for research, development, test and evaluation, Army, $2,000,000 shall be available for the Collaborative Engineering Center of Excellence, $3,000,000 shall be available for the Battlefield Ordnance Awareness and $4,000,000 shall be available for the Cooperative Micro-satellite Experiment.

SA 2322. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 250, strike line 20 and all that follows through page 251, line 14.

SA 2323. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, strike lines 4 through 19.

SA 2324. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, strike lines 4 through 10.

SA 2325. Mr. REID (for Mr. WELLSTONE (for himself, Mr. GREGG, Mr. DAYTON, Mr. DURBIN, Mr. LEAHY, Mr. BIDEN, Mr. CARPER, Mr. REID, Mr. SCHUMER, Mr. JOHNSON, Mr. BOND, and Mrs. CLINTON) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 8135. Section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 511(1)) is amended—

(1) in the first sentence—

(A) by striking ''and all'' and inserting ''all''; and

(B) by inserting before the period the following: '', and all members of the National Guard on duty described in the following sentence''; and

(2) in the second sentence, by inserting before the period the following: '', and, in the case of a member of the National Guard, shall include training or other duty authorized by section 502(f) of title 32, United States Code, at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress''.

SA 2326. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division for the Army for research, development, test, and evaluation, $5,000,000 shall be available for the Three-Dimensional Ultrasound Imaging Initiative II.

SA 2327. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. The amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' is hereby increased by $1,000,000, with the amount of the increase to be allocated to Environmental Quality and Logistics Advanced Technology and made available for Smart Base Technologies (PE0603712N) for continuation of funding of pilot program testing at Kittery-Portsmouth Naval Shipyard for purposes of increasing shipyard efficiencies.

SA 2328. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) INCREASED FUNDING FOR LPD–17 ADVANCE PROCUREMENT.—The amount appropriated by title III of this division under the heading ''SHIPBUILDING AND CONVERSION, NAVY'' is hereby increased by $266,300,000, with the amount of the increase to be available for LPD–17 Advance Procurement.

(b) SUPPLEMENT NOT SUPPLANT—The amount available under subsection (a) for LPD–17 Advance Procurement is in addition to any other amounts available under this Act for LPD–17 Advance Procurement.

SA 2329. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) INCREASED FUNDING FOR SC–21 TOTAL SHIP SYSTEM ENGINEERING.—The amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' is hereby increased by $74,000,000, with the amount of the increase to be available for SC–21 Total Ship System Engineering (PE0604300N).

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for SC–21 Total Ship System Engineering is in addition to any other amounts available under this Act for SC–21 Total Ship System Engineering.

SA 2330. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) INCREASED FUNDING FOR P–3 AIRCRAFT MODIFICATIONS.—The amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, NAVY'' and available for P–3 aircraft modifications is hereby increased by $41,000,000.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for P–

3 aircraft modifications is in addition to any other amounts available under this Act for P–3 aircraft modifications.

(c) AVAILABILITY OF FUNDS.—(1) Of the funds available under subsection (a) for P–3 aircraft modifications, amounts shall be available as follows:

(A) $20,000,000 shall be available for anti-surface warfare improvements to P–3 aircraft.

(B) $10,000,000 shall be available for P–3 aircraft sustained readiness program (SRP) kits to curtail corrosion and extend the service life of P–3 aircraft.

(C) $7,500,000 shall be for P–3 aircraft instrument landing system (ILS) upgrades.

(D) $16,500,000 shall be for P–3 aircraft autopilot upgrades.

(2) The amount made available by paragraph (1)(A) for the purpose set forth in that paragraph shall be in addition to any other amounts made available by this Act for that purpose.

SA 2331. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title VI of this division under the heading ''DEFENSE HEALTH PROGRAM'' and available for research, development, test, and evaluation for the Peer Reviewed Medical Research Program, $12,000,000 may be available for osteoporosis research.

SA 2332. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) INCREASED FUNDING FOR OCEAN MODELING FOR MINE AND EXPEDITIONARY WARFARE.—The amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' is hereby increased by $300,000, with the amount of the increase to be available for Ocean Modeling for Mine and Expeditionary Warfare.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for Ocean Modeling for Mine and Expeditionary Warfare is in addition to any other amounts available under this Act for Ocean Modeling for Mine and Expeditionary Warfare.

SA 2333. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title II of this division for operation and maintenance, Navy, for civilian manpower and personnel management, $1,500,000 may be used for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 2334. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title IV of this division for research, development, test and evaluation, Army, $5,000,000 may be used for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration.

SA 2335. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the amount appropriated by this division for the Army for research, development, test and evaluation, $2,000,000 shall be available for research and development of key enabling technologies (such as filament winding, braiding, contour weaving, and dry powder resin towpregs fabrication) for producing low cost, improved performance, reduced signature, multifunctional composite materials.

SA 2336. Mr. HELMS (for himself, Mr. MILLER, Mr. HAGEL, Mr. HATCH, Mr. SHELBY, Mr. MURKOWSKI, Mr. BOND, Mr. WARNER, Mr. ALLEN, Mr. FRIST, and Mr. HUTCHINSON) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of division A, add the following new title:

TITLE—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. ___01. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the

charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. ___03. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO WAIVE SECTIONS ___04 AND ___05 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections ___04 and ___05 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(B) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(C) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(b) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections ___04 and ___05 shall cease to apply, and the authority of section ___06 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. ___04. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section ___06; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. ___05. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section ___06.

SEC. ___06. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. ___07. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to

the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. ___08. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. ___09. APPLICATION OF SECTIONS ___04 AND ___05 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections ___04 and ___05 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section ___04 or ___05, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. ___10. NONDELEGATION.

The authorities vested in the President by sections ___03 and ___09(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. ___11. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. ___12. PERIOD OF EFFECTIVENESS OF THE TITLE.

Except as otherwise provided in this title, the provisions of this title shall take effect on the date of enactment of this Act and remain in effect without regard to the expiration of fiscal year 2002.

SA 2337. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the first word in the pending amendment and insert in lieu thereof the following:

SEC. . (a) FINDINGS.—(1) The Rome Statute establishing an International Criminal Court will not enter into force for several years:

(2) The Congress has great confidence in President Bush's ability to effectively protect U.S. interests and the interests of American citizens and service members as it relates to the International Criminal Court; and

(3) The Congress believes that Slobodan Milosovic, Saddam Hussein or any other individual who commits crimes against humanity should be brought to justice and that the President should have sufficient flexibility to accomplish that goal, including the ability to cooperate with foreign tribunals and other international legal entities that may be established for that purpose on a case by case basis.

(b) REPORT.—The President shall report to the Congress on any additional legislative actions necessary to advance and protect U.S. interests as it relates to the establishment of the International Criminal Court or the prosecution of crimes against humanity.

SA 2338. Mr. COCHRAN submitted an amendment intended to be proposed by

him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, line 23, after the period insert ''SEC. 1303. For purposes of any appropriations made pursuant to Public Law 107–38, (1) the term ''public facilities'' as used in that Act and in 42 U.S.C. 5122(8) includes facilities and equipment of boards of trade regulated by the Commodity Futures Trading Commission; (2) the term ''reporting public facilities'' in such Act includes replacing and restoring facilities and equipment lost, damaged and destroyed.''

SA 2339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal yearr ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $10,000,000 may be available for the Gulf States Initiative.

SA 2340. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) STUDY OF PHYSICAL STATE OF ARMY INITIAL ENTRY TRAINEE HOUSING AND BARRACKS.—The Comptroller General of the United States shall carry out a study of the physical state of the Initial Entry Trainee housing and barracks of the Army.

(b) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study carried out under subsection (a). The report shall set forth the results of the study, and shall include such other matters relating to the study as the Comptroller General considers appropriate.

(c) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ''congressional defense committees'' means—

(1) the Committees on Appropriations and Armed Services of the Senate; and

(2) the Committees on Appropriations and Armed Services of the House of Representatives.

SA 2341. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division E, add the following:

SEC. 115. Title III of the Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended by adding at the end the following new section:

''SEC. 313. (a) INCREASE IN AMOUNT AVAILABLE FOR ELECTRIC ENERGY SYSTEMS AND STORAGE PROGRAM.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY' is hereby increased by $14,000,000, with the amount of the increase to be available under that paragraph for the electric energy systems and storage program.

''(b) DECREASE IN AMOUNT AVAILABLE FOR DEPARTMENT OF ENERGY GENERALLY.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' (other than under the heading ''National Nuclear Security Administration or under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY') is hereby decreased by $14,000,000, with the amount of the decrease to be distributed among amounts available under the heading 'DEPARTMENT OF ENERGY' in a manner determined by the Secretary of Energy and approved by the Committees on Appropriation.''.

SA 2342. Mr. BAYH (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, after line 21, insert the following:

DIVISION F—HOUSING REVITALIZATION

SEC. 6101. REVITALIZATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(2) SECTION 8.—The term ''section 8'' means section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) PENNSYLVANIA AND INDIANA REVITALIZATION PROJECTS.—

(1) DEFINITION.—In this subsection, the term ''projects'' includes—

(A) Penn Circle Tower, East Mall Apartments, and Liberty Park in Pittsburgh, Pennsylvania; and

(B) Parkwood and Parkwood II in Indianapolis, Indiana.

(2) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary shall facilitate the redevelopment of the projects in a manner that facilitates the ability of tenants to remain in the area and allows those projects to advance neighborhood revitalization by—

(A) dividing or relocating the use restrictions and other requirements of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (referred to in this section as ''MAHRAA'') among multiple properties having 1 or more owners, including newly constructed properties, with all such changes completed by December 31, 2007, and permitting the Secretary to use discretion when modifying or waiving the requirement of a recorded use restriction with respect to temporary relocation units;

(B) providing that an interim conveyance of those projects, or any portion of those projects, shall be permitted prior to completion of reconstruction or revitalization of those projects, if—

(i) the transferee is a tenant-endorsed, community-based owner, affiliated with the owner of the project at the time of debt restructuring or forgiveness; and

(ii) all applicable MAHRAA requirements related to the sale of property apply when the reconstruction or revitalization of those projects is completed, which completion shall be not later than December 31, 2007;

(C) maintaining the project-based assistance under section 8 to those projects at the same level in effect as of December 31, 2001, subject to customary annual adjustments (applicable to all project recipients of project-based assistance under section 8) in the ordinary course of the administration by the Secretary of the section 8 program;

(D) exercising authority under section 8 to permit any owner of a project to convert portions of the project-based section 8 budget authority provided with respect to such project to tenant-based assistance or temporary project or tenant-based relocation assistance, without restriction on the mix of such assistance, while requiring that the number of project-based section 8 assisted units (as reconstructed or revitalized), when summed with the number of tenant-based section 8 certificates converted by such owner from the original section 8 budget authority for such projects, shall equal a number that is not more than 773 at any time;

(E) permitting any owner of a project to use previously committed interest reduction payments for debt service on capital expenditures for rehabilitation or new construction in lieu of capital reserve account deposits; and

(F) permitting the owner of the Penn Circle Tower project—

(i) to convert that project to an elderly-only facility;

(ii) to demolish the existing retail building on the site;

(iii) to subdivide the project site and release any use restrictions encumbering nonresidential portions of the site; and

(iv) sell portions of the project to an affiliated entity for mixed use or income development.

(c) COLORADO REVITALIZATION PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall permit the housing authority of the city and county of Denver, located in the city and county of Denver, Colorado, to transfer the current housing assistance payments basic renewal contract for 167 existing units that shall be demolished in the East Village Apartments, to 167 units of housing to be constructed beginning in 2002 and completed by 2006.

(2) PROJECT-BASED ASSISTANCE.—The project-based assistance under section 8 for the property described in paragraph (1) shall be maintained at the same level as in effect as of December 31, 2001, subject to customary annual adjustments in the ordinary course of the administration by the Secretary of the section 8 program.

SA 2343. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DORGAN, Mr. INHOFE, Mr. BURNS, Mr. BREAUX, Mr. REID, Mr. ROCKEFELLER, Mr. TORRICELLI, and Mr. JOHNSON) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following: ''*Provided further:* That before the release of funds under this account for O'Hare International Airport security improvements, the Secretary of Transportation shall, in cooperation with the Federal Aviation Administrator, encourage a locally developed and executed plan between the State of Illinois, the city of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport, including parallel runways oriented in an east-west direction; constructing a south suburban airport near Peotone, Illinois; addressing traffic congestion along the Northwest Corridor, including western airport access; continuing the operation of Merrill C. Meigs Field in Chicago; and increasing commercial air service at Gary-Chicago Airport and Greater Rockford Airport. If such a plan cannot be developed and executed by said parties, the Secretary and the FAA Administrator shall work with Congress to enact a federal solution to address the aviation capacity crisis in the Chicago area while addressing quality of life issues around the affected airports.''

SA 2344. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SA 2345. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FINDINGS.—The Senate makes the following findings:

(1) On December 7, 1941, 60 years ago, Imperial Japanese forces conducted a sneak attack against the United States at Pearl Harbor, Hawaii.

(2) 15 Medals of Honor were awarded for heroism in the American forces that faced that attack.

(3) 2,388 Americans gave their lives that day in the cause of liberty.

(4) The American people responded to that attack by committing themselves to, and achieving, total victory over the forces of fascism and oppression around the world.

(5) The United States was brutally attacked on September 11, 2001.

(6) The American people shall respond to this attack by committing themselves to, and achieving, total victory over the forces of terror and radicalism around the world.

(7) On December 7, 2001, in the City of New Orleans, Louisiana, the National D-Day Museum commemorates United States victory in the Pacific during World War II with the opening of a new Pacific Theater wing.

(8) This commemoration is symbolic of coming victory in the war against terror.

(b) SENSE OF SENATE.—It is the sense of the Senate that, on December 7, 2001, National Pearl Harbor Remembrance Day, the United States should pay tribute—

(1) to the soldiers, sailors, marines, and civilians who gave the ultimate sacrifice to the Nation 60 years ago, on December 7, 1941, at Pearl Harbor, Hawaii;

(2) to the spirit of the American people that ensured victory in World War II; and

(3) to commemorations at the National D-Day Museum in New Orleans, Louisiana, and across the country, that highlight the sacrifice and contributions of the generation who served during World War II, America's greatest generation.

SA 2346. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. The amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' is hereby increased by $1,000,000, with the amount of the increase to be available for Low Cost Launch Vehicle Technology.

SA 2347. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $1,000,000, may be be available for Low Cost Launch Vehicle Technology.

SA 2348. Mr. BYRD (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $23,446,734,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $19,465,964,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $7,335,370,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $20,032,704,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,670,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,650,523,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $466,300,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,061,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,052,695,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,783,744,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,794,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,941,588,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,569,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $27,038,067,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,903,863,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,303,436,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $12,864,644,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,771,246,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,023,866,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,743,808,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,998,361,000.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $9,096,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,800,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $257,517,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $385,437,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings

and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,492,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $230,255,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $44,700,000, to remain available until September 30, 2003.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $357,000,000, to remain available until September 30, 2004: *Provided*, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $15,800,000, to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,893,891,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,774,154,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,174,546,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,171,465,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,160,186,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,030,043,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,478,075,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $442,799,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $138,890,000;

SSGN (AP), $279,440,000;

NSSN, $1,608,914,000;

NSSN (AP), $684,288,000;

CVN Refuelings, $1,118,124,000;

CVN Refuelings (AP), $73,707,000;

Submarine Refuelings, $382,265,000;

Submarine Refuelings (AP), $77,750,000;

DDG–51 destroyer program, $2,966,036,000;

Cruiser conversion (AP), $458,238,000;

LPD–17 (AP), $155,000,000;

LHD–8, $267,238,000;

LCAC landing craft air cushion program, $52,091,000;

Prior year shipbuilding costs, $725,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, $307,230,000;

In all: $9,294,211,000, to remain available for obligation until September 30, 2006: *Provided,* That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further,* That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 152 passenger motor vehicles for replacement only, and the purchase of five vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per unit for two units and not to exceed $115,000 per unit for the remaining three units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,146,338,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $974,054,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,617,332,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,657,522,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $873,344,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only, and the purchase of three vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $8,144,174,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $1,473,795,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $15,000,000 to remain available until expended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $560,505,000, to remain available for obligation until September 30, 2004: *Provided,* That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $6,742,123,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,742,710,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,859,401,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic

and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,445,589,000, to remain available for obligation until September 30, 2003.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $216,855,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $1,826,986,000: *Provided*, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), $407,408,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $18,376,404,000, of which $17,656,185,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which $267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which $452,304,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,104,557,000, of which $739,020,000 shall be for Operation and maintenance to remain available until September 30, 2003, $164,158,000 shall be for Procurement to remain available until September 30, 2004, and $201,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $865,981,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $152,021,000, of which $150,221,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $144,776,000, of which $28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2004, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $75,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same

purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to March 31, 2002.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C–17; and

F/A–18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health

care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act and hereafter may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. Of the funds made available in this Act, not less than $61,100,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,300,000 shall be available from ''Military Personnel, Air Force'', $37,400,000 shall be available from ''Operation and Maintenance, Air Force'', and $20,400,000 shall be available from ''Aircraft Procurement, Air Force'': *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2002: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2003 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $24,303,000 shall be available for the Civil Air Patrol Corporation, of which $22,803,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2002 may be used by a defense FFRDC,

through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided,* That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $60,000,000.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2002, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2003 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2002.

SEC. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8042. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: *Provided,* That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-

Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

(TRANSFER OF FUNDS)

SEC. 8049. In addition to the amounts appropriated elsewhere in this Act, $10,000,000 is hereby appropriated to the Department of Defense: *Provided*, That at the direction of the Assistant Secretary of Defense for Reserve Affairs, these funds shall be transferred to the Reserve component personnel accounts in Title I of this Act: *Provided further*, That these funds shall be used for incentive and bonus programs that address the most pressing recruitment and retention issues in the Reserve components.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. During the current fiscal year and hereafter, funds appropriated or made available by the transfer of funds in this or subsequent Appropriations Acts, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of the Intelligence Authorization Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Act enacted after the enactment of the Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8054. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts in the specified amounts:

''Aircraft Procurement, Army, 2001/2003'', $15,500,000;

''Aircraft Procurement, Air Force, 2001/2003'', $43,983,000;

''Missile Procurement, Air Force, 2001/2003'', $58,550,000;

''Procurement, Defense-Wide, 2001/2003'', $64,170,000;

''Research, Development, Test and Evaluation, Air Force, 2001/2002'', $13,450,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2001/2002'', $5,664,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8061. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $12,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds made available in this Act may be used for the procurement

of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. Of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'', up to $5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: *Provided,* That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments: *Provided further,* That up to $2,000,000 shall be available for DOD to establish a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: *Provided further,* That to the extent a federal agency provides this assistance, by contract, grant or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided,* That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further,* That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further,* That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further,* That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided,* That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and

recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year and hereafter, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8083. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8084. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', not less than $1,500,000 shall be made available by grant or otherwise, to the Council of Athabascan Tribal Governments, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8085. In addition to the amounts appropriated or otherwise made available in this Act, $5,000,000, to remain available until September 30, 2002, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $5,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), is hereby repealed.

SEC. 8090. Of the funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Navy'', up to $3,000,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 8091. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8093. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $140,591,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

''Operation and Maintenance, Army'', $89,359,000;

''Operation and Maintenance, Navy'', $15,445,000;

''Operation and Maintenance, Marine Corps'', $1,379,000;

''Operation and Maintenance, Air Force'', $24,408,000; and

''Operation and Maintenance, Defense-Wide'', $10,000,000.

SEC. 8094. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8095. Notwithstanding any other provision of law, the total amount appropriated in this Act under Title I and Title II is hereby reduced by $50,000,000: *Provided*, That during the current fiscal year, not more than 250

military and civilian personnel of the Department of Defense shall be assigned to legislative affairs or legislative liaison functions: *Provided further*, That of the 250 personnel assigned to legislative liaison or legislative affairs functions, 20 percent shall be assigned to the Office of the Secretary of Defense and the Office of the Chairman of the Joint Chiefs of Staff, 20 percent shall be assigned to the Department of the Army, 20 percent shall be assigned to the Department of the Navy, 20 percent shall be assigned to the Department of the Air Force, and 20 percent shall be assigned to the combatant commands: *Provided further*, That of the personnel assigned to legislative liaison and legislative affairs functions, no fewer than 20 percent shall be assigned to the Under Secretary of Defense (Comptroller), the Assistant Secretary of the Army (Financial Management and Comptroller), the Assistant Secretary of the Navy (Financial Management and Comptroller), and the Assistant Secretary of the Air Force (Financial Management and Comptroller).

SEC. 8096. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8097. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8098. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $171,296,000, to reduce cost growth in travel, to be distributed as follows:

''Operation and Maintenance, Army'', $9,000,000;

''Operation and maintenance, Marine Corps'', $296,000;

''Operation and Maintenance, Air Force'', $150,000,000;

''Operation and Maintenance, Army Reserve'', $2,000,000; and

''Operation and maintenance, Defense-wide'' $10,000,000.

SEC. 8099. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8100. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8101. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8102. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8103. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8104. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8105. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8106. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of

$10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $141,700,000 shall be made available for the Arrow missile defense program: *Provided,* That of this amount, $107,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense interoperability with Israel, and establishing an Arrow production capability in the United States: *Provided further,* That the remainder, $34,000,000, shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defense of Israel for the Arrow Deployability Program.

SEC. 8109. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $115,000,000 shall remain available until expended: *Provided,* That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8111. In addition to the amounts appropriated or otherwise made available in this Act, $1,300,000,000 is hereby appropriated to the Department of Defense for whichever of the following purposes the 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) activities for combating terrorism.

SEC. 8112. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: *Provided,* That the Secretary of the Army shall make a grant in the amount of $5,000,000 to the Fort Des Moines Memorial Park and Education Center.

SEC. 8113. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: *Provided,* That the Secretary of Defense shall make a grant in the amount of $5,000,000 to the National D-Day Museum.

SEC. 8114. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8115. (a) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79) is amended—

(1) by redesignating subsection (m) as subsection (o); and

(2) by adding after subsection (l) the following:

''(m) AUTHORITY TO ESTABLISH MEMORIAL.—

''(1) IN GENERAL.—The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

''(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).''.

(b) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79) is amended—

(1) in subsection (j)(2), by striking ''accept gifts'' and inserting ''solicit and accept contributions''; and

(2) by inserting after subsection (m) (as added by subsection (a)(2)) the following:

''(n) MEMORIAL FUND.—

''(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (j)(2).

''(2) USE OF FUND.—The fund shall be used for the expenses of establishing the memorial.

''(3) INTEREST.—The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.''.

(c) In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $3,000,000, to remain available until expended is hereby appropriated to the Department of Defense: *Provided,* That the Secretary of Defense shall make a grant in the amount of $3,000,000 to the Dwight D. Eisenhower Memorial Commission for direct administrative support.

SEC. 8116. In addition to amounts appropriated elsewhere in this Act, $8,000,000 shall be available only for the settlement of subcontractor claims for payment associated with the Air Force contract F19628–97–C–0105, Clear Radar Upgrade, at Clear AFS, Alaska: *Provided,* That the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors, engaged under the contract, and, notwithstanding any other provision of law shall pay such amounts from the funds provided in this paragraph which the Secretary deems appropriate to settle completely any claims which the Secretary determines to have merit, with no right of appeal in any forum: *Provided further,* That subcontractors are to be paid interest, calculated in accordance with the Contract Disputes Act of 1978, 41 U.S.C. Sections 601–613, on any claims which the Secretary determines to have merit: *Provided further,* That the Secretary of the Air Force may delegate evaluation and payment as above to the U.S. Army Corps of Engineers, Alaska District on a reimbursable basis.

SEC. 8117. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by $1,650,000,000, to reflect savings to be achieved from business process reforms, management efficiencies, and procurement of administrative and management support: *Provided,* That none of the funds provided in this Act may be used for consulting and advisory services for legislative affairs and legislative liaison functions.

SEC. 8118. In addition to amounts provided elsewhere in this Act, $21,000,000 is hereby appropriated for the Secretary of Defense to establish a Regional Defense Counter-terrorism Fellowship Program: *Provided,* That funding provided herein may be used by the Secretary to fund foreign military officers to attend U.S. military educational institutions and selected regional centers for non-lethal training: *Provided further,* That United States Regional Commanders in Chief will be the nominative authority for candidates and schools for attendance with joint staff review and approval by the Secretary of Defense: *Provided further,* That the Secretary of Defense shall establish rules to govern the administration of this program.

SEC. 8119. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, ''Aircraft Procurement, Air Force'', that remain available for obligation, not to exceed $16,000,000 shall be available for recording, adjusting, and liquidating obligations for the C–17 aircraft properly chargeable to the fiscal year 1998 Aircraft Procurement, Air Force account: *Provided,* That the Secretary of the Air Force shall notify the congressional defense committees of all of the specific sources of funds to be used for such purpose.

SEC. 8120. Notwithstanding any provisions of the Southern Nevada Public Land Management Act of 1998, Public Law 105–263, or the land use planning provision of Section 202 of the Federal Land Policy and Management Act of 1976, Public Law 94–579, or of any other law to the contrary, the Secretary of the Interior may acquire non-federal lands adjacent to Nellis Air Force Base, through a land exchange in Nevada, to ensure the continued safe operation of live ordnance departure areas at Nellis Air Force Base, Las Vegas, Nevada. The Secretary of the Air Force shall identify up to 220 acres of non-federal lands needed to ensure the continued safe operation of the live ordnance departure areas at Nellis Air Force Base. Any such identified property acquired by exchange by the Secretary of the Interior shall be transferred by the Secretary of the Interior to the jurisdiction, custody, and control of the Secretary of the Air Force to be managed as a part of Nellis Air Force Base. To the extent the Secretary of the Interior is unable to acquire non-federal lands by exchange, the Secretary of the Air Force is authorized to purchase those lands at fair market value subject to available appropriations.

SEC. 8121. Of the amounts appropriated in this Act under the heading, ''Shipbuilding and Conversion, Navy'', $725,000,000 shall be available until September 30, 2002, to fund prior year shipbuilding cost increases: *Provided,* That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further,* That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2002'':

Carrier Replacement Program, $172,364,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2002'':

LPD–17 Amphibious Transport Dock Ship Program, $172,989,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2002'':

DDG–51 Destroyer Program, $37,200,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

NSSN Program, $168,561,000;

DDG–51 Destroyer Program, $111,457,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2002'':

NSSN Program, $62,429,000.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of the Navy shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

TRIDENT ballistic missile submarine program, $78,000;

SSN–21 attack submarine program, $66,000;
DDG–51 destroyer program, $6,100,000;
ENTERPRISE refueling modernization program, $964,000;
LSD–41 dock landing ship cargo variant ship program, $237,000;
MCM mine countermeasures program, $118,000;
Oceanographic ship program, $2,317,000;
AOE combat support ship program, $164,000;
AO conversion program, $56,000;
Coast Guard icebreaker ship program, $863,000;
Craft, outfitting, post delivery, and ship special support equipment, $529,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':
DDG–51 destroyer program, $11,492,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1993/2002'':
DDG–51 destroyer program, $3,986,000;
LHD–1 amphibious assault ship program, $85,000;
LSD–41 dock landing ship cargo variant program, $428,000;
AOE combat support ship program, $516,000;
Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $1,034,000;
To:
Under the heading, ''Shipbuilding, and Conversion, Navy, 1998/2002'':
DDG–51 destroyer program, $6,049,000;
From:
Under the heading, ''Other Procurement, Navy, 2001/2003'':
Shallow Water MCM, $16,248,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2005'':
Submarine Refuelings, $16,248,000.

SEC. 8123. (a) The Secretary of Defense shall convey to Gwitchyaa Zhee Corporation the lands withdrawn by Public Land Order No. 1996, Lot 1 of United States Survey 7008, Public Land Order No. 1396, a portion of Lot 3 of United States Survey 7161, lands reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916, Lot 13 of United States Survey 7161, Lot 1 of United States Survey 7008 described in Public Land Order No. 1996, and Lot 13 of the United States Survey 7161 reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916.

(b) Following site restoration and survey by the Department of the Air Force that portion of Lot 3 of United States Survey 7161 withdrawn by Public Land Order No. 1396 and no longer needed by the Air Force shall be conveyed to Gwitchyaa Zhee Corporation.

SEC. 8124. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the USS GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8125. (a) Not later than February 1, 2002, the Secretary of Defense shall report to the congressional defense committees on the status of the safety and security of munitions shipments that use commercial trucking carriers within the United States.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An assessment of the Department of Defense's policies and practices for conducting background investigations of current and prospective drivers of munitions shipments.

(2) A description of current requirements for periodic safety and security reviews of commercial trucking carriers that carry munitions.

(3) A review of the Department of Defense's efforts to establish uniform safety and security standards for cargo terminals not operated by the Department that store munitions shipments.

(4) An assessment of current capabilities to provide for escort security vehicles for shipments that contain dangerous munitions or sensitive technology, or pass through high-risk areas.

(5) A description of current requirements for depots and other defense facilities to remain open outside normal operating hours to receive munitions shipments.

(6) Legislative proposals, if any, to correct deficiencies identified by the Department of Defense in the report under subsection (a).

(c) Not later than six months after enactment of this Act, the Secretary shall report to Congress on safety and security procedures used for U.S. munitions shipments in European NATO countries, and provide recommendations on what procedures or technologies used in those countries should be adopted for shipments in the United States.

SEC. 8126. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $15,000,000, to remain available until September 30, 2002 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $15,000,000 to the Padgett Thomas Barracks in Charleston, South Carolina.

SEC. 8127. (a) DESIGNATED SPECIAL EVENTS OF NATIONAL SIGNIFICANCE.—

(1) Notwithstanding any other provision of law, at events determined by the President to be special events of national significance for which the United States Secret Service is authorized pursuant to Section 3056(e)(1), title 18, United States Code, to plan, coordinate, and implement security operations, the Secretary of Defense, after consultation with the Secretary of the Treasury, shall provide assistance on a temporary basis without reimbursement in support of the United States Secret Service's duties related to such designated events.

(2) Assistance under this subsection shall be provided in accordance with an agreement that shall be entered into by the Secretary of Defense and the Secretary of the Treasury within 120 days of the enactment of this Act.

(b) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary of Defense provides assistance under this section, the Secretary shall submit to Congress a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided; and

(2) the amount expended by the Department in providing the assistance.

(c) RELATIONSHIP TO OTHER LAWS.—The assistance provided under this section shall not be subject to the provisions of sections 375 and 376 of this title.

SEC. 8128. MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM. (a) The Secretary of the Air Force may, from funds provided in this Act or any future appropriations Act, establish a multi-year pilot program for leasing general purpose Boeing 767 aircraft in commercial configuration.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease Pilot Program authorized by this section:

(1) The Secretary may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee, but only those that are not inconsistent with any of the terms and conditions mandated herein.

(2) The term of any individual lease agreement into which the Secretary enters under this section shall not exceed 10 years, inclusive of any options to renew or extend the initial lease term.

(3) The Secretary may provide for special payments in a lessor if the Secretary terminates or cancels the lease prior to the expiration of its term. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease.

(4) Subchapter IV of chapter 15 of Title 31, United States Code shall apply to the lease transactions under this section, except that the limitation in section 1553(b)(2) shall not apply.

(5) The Secretary shall lease aircraft under terms and conditions consistent with this section and consistent with the criteria for an operating lease as defined in OMB Circular A–11, as in effect at the time of the lease.

(6) Lease arrangements authorized by this section may not commence until:

(A) The Secretary submits a report to the congressional defense committees outlining the plans for implementing the Pilot Program. The report shall describe the terms and conditions of proposed contracts and describe the expected savings, if any, comparing total costs, including operation, support, acquisition, and financing, of the lease, including modification, with the outright purchase of the aircraft as modified.

(B) A period of not less than 30 calendar days has elapsed after submitting the report.

(7) Not later than 1 year after the date on which the first aircraft is delivered under this Pilot Program, and yearly thereafter on the anniversary of the first delivery, the Secretary shall submit a report to the congressional defense committees describing the status of the Pilot Program. The Report will be based on at least 6 months of experience in operating the Pilot Program.

(8) The Air Force shall accept delivery of the aircraft in a general purpose configuration.

(9) At the conclusion of the lease term, each aircraft obtained under that lease may be returned to the contractor in the same configuration in which the aircraft was delivered.

(10) The present value of the total payments over the duration of each lease entered into under this authority shall not exceed 90 percent of the fair market value of the aircraft obtained under that lease.

(d) No lease entered into under this authority shall provide for—

(1) the modification of the general purpose aircraft from the commercial configuration, unless and until separate authority for such conversion is enacted and only to the extent budget authority is provided in advance in appropriations Acts for that purpose; or

(2) the purchase of the aircraft by, or the transfer of ownership to, the Air Force.

(e) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

(f) The authority provided under this section may be used to lease not more than a total of one hundred aircraft for the purposes specified herein.

SEC. 8129. From within amounts made available in the Title II of this Act, under

the heading ''Operation and Maintenance, Army National Guard'', and notwithstanding any other provision of law, $2,500,000 shall be available only for repairs and safety improvements to the segment of Camp McCain Road which extends from Highway 8 south toward the boundary of Camp McCain, Mississippi and originating intersection of Camp McCain Road; and for repairs and safety improvements to the segment of Greensboro Road which connects the Administration Offices of Camp McCain to the Troutt Rifle Range: *Provided*, That these funds shall remain available until expended: *Provided further*, That the authorized scope of work includes, but is not limited to, environmental documentation and mitigation, engineering and design, improving safety, resurfacing, widening lanes, enhancing shoulders, and replacing signs and pavement markings.

SEC. 8130. From funds made available under Title II of this Act, the Secretary of the Army may make available a grant of $3,000,000 to the Chicago Park District for renovation of the Broadway Armory, a former National Guard facility in the Edgewater community in Chicago.

SEC. 8131. Notwithstanding any other provision of law, none of the funds in this Act may be used to alter specifications for insulation to be used on U.S. naval ships or for the procurement of insulation materials different from those in use as of November 1, 2001, until the Department of Defense certifies to the Appropriations Committees that the proposed specification changes or proposed new insulation materials will be as safe, provide no increase in weight, and will not increase maintenance requirements when compared to the insulation material currently used.

SEC. 8132. The provisions of S. 746 of the 107th Congress, as reported to the Senate on September 21, 2001, are hereby enacted into law.

SEC. 8133. (a)(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2228. Department of Defense strategic loan and loan guaranty program

''(a) AUTHORITY.—The Secretary of Defense may carry out a program to make direct loans and guarantee loans for the purpose of supporting the attainment of the objectives set forth in subsection (b).

''(b) OBJECTIVES.—The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal and interest of a loan made to an applicant upon the Secretary's determination that the applicant's use of the proceeds of the loan will support the attainment of any of the following objectives:

''(1) Sustain the readiness of the United States to carry out the national security objectives of the United States through the guarantee of steady domestic production of items necessary for low intensity conflicts to counter terrorism or other imminent threats to the national security of the United States.

''(2) Sustain the economic stability of strategically important domestic sectors of the defense industry that manufacture or construct products for low-intensity conflicts and counter terrorism to respond to attacks on United States national security and to protect potential United States civilian and military targets from attack.

''(3) Sustain the production and use of systems that are critical for the exploration and development of new domestic energy sources for the United States.

''(c) CONDITIONS.—A loan made or guaranteed under the program shall meet the following requirements:

''(1) The period for repayment of the loan may not exceed five years.

''(2) The loan shall be secured by primary collateral that is sufficient to pay the total amount of the unpaid principal and interest of the loan in the event of default.

''(d) EVALUATION OF COST.—As part of the consideration of each application for a loan or for a guarantee of the loan under the program, the Secretary shall evaluate the cost of the loan within the meaning of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).''.

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

''2228. Department of Defense strategic loan and loan guaranty program.''.

(b) Of the amounts appropriated by Public Law 107–38, there shall be available such sums as may be necessary for the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct loans and loan guarantees made under section 2228 of title 10, United States Code, as added by subsection (a).

SEC. 8134. REGULATION OF BIOLOGICAL AGENTS AND TOXINS. (a) BIOLOGICAL AGENTS PROVISIONS OF THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996; CODIFICATION IN THE PUBLIC HEALTH SERVICE ACT, WITH AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351 the following:

''SEC. 351A. ENHANCED CONTROL OF BIOLOGICAL AGENTS AND TOXINS.

''(a) REGULATORY CONTROL OF BIOLOGICAL AGENTS AND TOXINS.—

''(1) LIST OF BIOLOGICAL AGENTS AND TOXINS.—

''(A) IN GENERAL.—The Secretary shall by regulation establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

''(B) CRITERIA.—In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

''(i) consider—

''(I) the effect on human health of exposure to the agent or toxin;

''(II) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

''(III) the availability and effectiveness of pharmacotherapies and immunizations to treat and prevent any illness resulting from infection by the agent or toxin; and

''(IV) any other criteria, including the needs of children and other vulnerable populations, that the Secretary considers appropriate; and

''(ii) consult with appropriate Federal departments and agencies, and scientific experts representing appropriate professional groups, including those with pediatric expertise.

''(2) BIENNIAL REVIEW.—The Secretary shall review and republish the list under paragraph (1) biennially, or more often as needed, and shall, through rulemaking, revise the list as necessary to incorporate additions or deletions to ensure public health, safety, and security.

''(3) EXEMPTIONS.—The Secretary may exempt from the list under paragraph (1)—

''(A) attenuated or inactive biological agents or toxins used in biomedical research or for legitimate medical purposes; and

''(B) products that are cleared or approved under the Federal Food, Drug, and Cosmetic Act or under the Virus-Serum-Toxin Act, as amended in 1985 by the Food Safety and Security Act.'';

''(b) REGULATION OF TRANSFERS OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for—

''(1) the establishment and enforcement of safety procedures for the transfer of biological agents and toxins listed pursuant to subsection (a)(1), including measures to ensure—

''(A) proper training and appropriate skills to handle such agents and toxins; and

''(B) proper laboratory facilities to contain and dispose of such agents and toxins;

''(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

''(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

''(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

''(c) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (a)(1) in order to protect the public health and safety, including the measures, safeguards, procedures, and availability of such agents and toxins described in paragraphs (1) through (4) of subsection (b), respectively.

''(d) REGISTRATION AND TRACEABILITY MECHANISMS.—Regulations under subsections (b) and (c) shall require registration for the possession, use, and transfer of biological agents and toxins listed pursuant to subsection (a)(1), and such registration shall include (if available to the registered person) information regarding the characterization of such biological agents and toxins to facilitate their identification and traceability. The Secretary shall maintain a national database of the location of such biological agents and toxins with information regarding their characterizations.

''(e) INSPECTIONS.—The Secretary shall have the authority to inspect persons subject to the regulations under subsections (b) and (c) to ensure their compliance with such regulations, including prohibitions on restricted persons under subsection (g).

''(f) EXEMPTIONS.—

''(1) IN GENERAL.—The Secretary shall establish exemptions, including exemptions from the security provisions, from the applicability of provisions of—

''(A) the regulations issued under subsection (b) and (c) when the Secretary determines that the exemptions, including exemptions from the security requirements, and for the use of attenuated or inactive biological agents or toxins in biomedical research or for legitimate medical purposes are consistent with protecting public health and safety; and

''(B) the regulations issued under subsection (c) for agents and toxins that the Secretary determines do not present a threat for use in domestic or international terrorism, provided the exemptions are consistent with protecting public health and safety.

''(2) CLINICAL LABORATORIES.—The Secretary shall exempt clinical laboratories and other persons that possess, use, or transfer biological agents and toxins listed pursuant to subsection (a)(1) from the applicability of provisions of regulations issued under subsections (b) and (c) only when—

''(A) such agents or toxins are presented for diagnosis, verification, or proficiency testing;

''(B) the identification of such agents and toxins is, when required under Federal or State law, reported to the Secretary or other public health authorities; and

''(C) such agents or toxins are transferred or destroyed in a manner set forth by the Secretary in regulation.

''(g) SECURITY REQUIREMENTS FOR REGISTERED PERSONS.—

''(1) SECURITY.—In carrying out paragraphs (2) and (3) of subsection (b), the Secretary shall establish appropriate security requirements for persons possessing, using, or transferring biological agents and toxins listed pursuant to subsection (a)(1), considering existing standards developed by the Attorney General for the security of government facilities, and shall ensure compliance with such requirements as a condition of registration under regulations issued under subsections (b) and (c).

''(2) LIMITING ACCESS TO LISTED AGENTS AND TOXINS.—Regulations issued under subsections (b) and (c) shall include provisions—

''(A) to restrict access to biological agents and toxins listed pursuant to subsection (a)(1) only to those individuals who need to handle or use such agents or toxins; and

''(B) to provide that registered persons promptly submit the names and other identifying information for such individuals to the Attorney General, with which information the Attorney General shall promptly use criminal, immigration, and national security databases available to the Federal Government to identify whether such individuals—

''(i) are restricted persons, as defined in section 175b of title 18, United States Code; or

''(ii) are named in a warrant issued to a Federal or State law enforcement agency for participation in any domestic or international act of terrorism.

''(3) CONSULTATION AND IMPLEMENTATION.—Regulations under subsections (b) and (c) shall be developed in consultation with research-performing organizations, including universities, and implemented with timeframes that take into account the need to continue research and education using biological agents and toxins listed pursuant to subsection (a)(1).

''(h) DISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), or any site-specific information relating to the type, quantity, or characterization of a biological agent or toxin listed pursuant to subsection (a)(1) or the site-specific security mechanisms in place to protect such agents and toxins, including the national database required in subsection (d), shall not be disclosed under section 552(a) of title 5, United States Code.

''(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

''(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

''(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.

''(i) CIVIL PENALTY.—Any person who violates any provision of a regulation under subsection (b) or (c) shall be subject to the United States for a civil money penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person. The provisions of section 1128A of the Social Security Act (other than subsections (a), (b), (h), and (i), the first sentence of subsection (c), and paragraphs (1) and (2) of subsection (f)) small apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of the Social Security Act. The secretary may delegate authority under this section in the same manner as provided in section 1128A(j)(2) of the Social Security Act and such authority shall include all powers as contained in 5 U.S.C. App., section 6.''

''(j) DEFINITIONS.—For purposes of this section, the terms 'biological agent' and 'toxin' have the same meaning as in section 178 of title 18, United States Code.''.

(2) REGULATIONS.—

(A) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 351A(c) of the Public Health Service Act, which amends the Antiterrorism and Effective Death Penalty Act of 1996. Such interim final rule will take effect 60 days after the date on which such rule is promulgated, including for purposes of—

(i) section 175(b) of title 18, United States Code (relating to criminal penalties), as added by subsection (b)(1)(B) of this section; and

(ii) section 351A(i) of the Public Health Service Act (relating to civil penalties).

(B) SUBMISSION OF REGISTRATION APPLICATIONS.—A person required to register for possession under the interim final rule promulgated under subparagraph (A), shall submit an application for such registration not later than 60 days after the date on which such rule is promulgated.

(3) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(4) EFFECTIVE DATE.—Paragraph (1) shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996, and any regulations, including the list under subsection (d)(1) of section 511 of that Act, issued under section 511 of that Act shall remain in effect as if issued under section 351A of the Public Health Service Act.

(b) SELECT AGENTS.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56) is amended—

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

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

''(b) SELECT AGENTS.—

''(1) UNREGISTERED FOR POSSESSION.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration required by regulation issued under section 351A(c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

''(2) TRANSFER TO UNREGISTERED PERSON.—Whoever transfers a select agent to a person who the transferor has reasons to believe has not obtained a registration required by regulations issued under section 351A(b) or (c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.''.

(2) DEFINITIONS.—Section 175 of title 18, United States Code, as amended by paragraph (1), is further amended by striking subsection (d) and inserting the following:

''(d) DEFINITIONS.—As used in this section:

''(1) The terms 'biological agent' and 'toxin' have the meanings given such terms in section 178, except that, for purposes of subsections (b) and (c), such terms do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, cultured, collected, or otherwise extracted from its natural source.

''(2) The term 'for use as a weapon' includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system, other than for prophylactic, protective, or other peaceful purposes.

''(3) The term 'select agent' means a biological agent or toxin, as defined in paragraph (1), that is on the list that is in effect pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), or as subsequently revised under section 351A(a) of the Public Health Service Act.''.

(3) CONFORMING AMENDMENT.—

(A) Section 175(a) of title 18, United States Code, is amended in the second sentence by striking ''under this section'' and inserting ''under this subsection''.

(B) Section 175(c) of title 18, United States Code, (as redesignated by paragraph (1)), is amended by striking the second sentence.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 351A of the Public Health Service Act, including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the actions to date and future plans of the Secretary for updating the list of biological agents and toxins under section 351A(a)(1) of the Public Health Service Act;

(3) describes the actions to date and future plans of the Secretary for determining compliance with regulations under such section 351A of the Public Health Service Act and for taking appropriate enforcement actions; and

(4) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 351A of the Public Health Service Act.

This division may be cited as the ''Department of Defense Appropriations Act, 2002''.

DIVISION B—TRANSFERS FROM THE EMERGENCY RESPONSE FUND PURSUANT TO PUBLIC LAW 107–38

The funds appropriated in Public Law 107–38 subject to subsequent enactment and previously designated as an emergency by the President and Congress under the Balanced Budget and Emergency Deficit Control Act of 1985, are transferred to the following chapters and accounts as follows:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Office of the Secretary'', $80,919,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $70,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Buildings and Facilities'', $73,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and Education'', $50,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $95,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $50,000,000 may be transferred and merged with the Agriculture Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Buildings and Facilities'', $14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Food Safety and Inspection Service'', $15,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $39,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38: *Provided,* That of the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(g)(2) of the Child Nutrition Act of 1966, as amended, in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions caused by the recession, and starting no later than March 1, 2002, such reallocation shall occur no less frequently than every other month throughout the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $127,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCY

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Commodity Futures Trading Commission'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

PATRIOT ACT ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Patriot Act Activities'', $25,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $2,000,000 shall be for a feasibility report, as authorized by Section 405 of Public Law 107–56, and of which $23,000,000 shall be for implementation of such enhancements as are deemed necessary: *Provided,* That funding for the implementation of such enhancements shall be treated as a reprogramming under section 605 of Public Law 107–77 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Administrative Review and Appeals'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, General Legal Activities'', $21,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $15,000,000 shall be for a cyber security initiative.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Attorneys'', $74,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Marshals Service'', $26,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $9,125,000 shall be for courthouse security equipment.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Construction'', $35,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $654,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $10,283,000 is for the refurbishing of the Engineering and Research Facility and $14,135,000 is for the decommissioning and renovation of former laboratory space in the Hoover building, of which $66,000,000 shall be for a cyber security initiative at the National Infrastructure Protection Center.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for all costs associated with the reorganization of the Immigration and Naturalization Service, for ''Salaries and Expenses'', $449,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $10,000,000 shall be for additional border patrols along the Southwest border, of which $55,800,000 shall be for additional inspectors and support staff on the northern border, and of which $23,900,000 shall be for transfer of and additional border patrols and support staff on the northern border.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Construction'', $99,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Justice Assistance'', $400,000,000, to remain available until expended, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT ACT (Public Law 107–56) and for other counter terrorism programs, to be obligated from amounts made available in Public Law 107–38, of which $9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $245,900,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $81,700,000 shall be for Northern Virginia, of which $81,700,000 shall be for New Jersey, of which $56,500,000 shall be for Maryland, of which $17,000,000 shall be for a grant for the Utah Olympic Public Safety Command for security equipment and infrastructure related to the 2002 Winter Olympics, including the Paralympics and related events, and of which $9,000,000 shall be made available for discretionary grants to State and local law enforcement agencies to establish or enhance cybercrime units aimed at investigating and prosecuting cybersecurity offenses, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Crime Victims Fund'', $68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $1,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $335,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency grants authorized by section 392 of the Communications Act of 1934, as amended, to respond to the September 11, 2001, terrorist attacks on the United States, $8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $3,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Scientific and Technical Research and Services'', $10,400,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $10,000,000 shall be for a cyber security initiative.

CONSTRUCTION OF RESEARCH FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Construction of Research Facilities'', $1,225,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations, Research and Facilities'', $2,750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $881,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDINGS AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Care of the Buildings and Grounds'', $30,000,000, to remain available until expended for security enhancements, to be obligated from amounts made available in Public Law 107–38.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,000,000, is for Emergency Communications Equipment, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COURT SECURITY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Court Security'', $57,521,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for security of the Federal judiciary, of which not less than $4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,879,000, to remain available until expended, to enhance security at the Thurgood Marshall Federal Judiciary Building, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Training'', $11,000,000, for a port security program, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For emergency expenses for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, for ''Business Loans Program Account'', $75,000,000, for the cost of loan subsidies and for loan modifications as authorized by section 202 of this Act, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, for ''Disaster Loans Program Account'', $75,000,000, for the cost of loan subsidies and for loan modifications as authorized by section 201 of this Act, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. For purposes of assistance available under section 7(b)(2) and (4) of the Small Business Act (15 U.S.C. 636(b)(2) and (4)) to small business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks—

(i) the term ''small business concern'' shall include not-for-profit institutions and small business concerns described in United States Industry Codes 522320, 522390, 523210, 523920, 523991, 524113, 524114, 524126, 524128, 524210, 524291, 524292, and 524298 of the North American Industry Classification System (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001);

(ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than one year following the date of enactment of this Act; and

(iii) payments of interest and principal shall be deferred, and no interest shall accrue during the two-year period following the issuance of such disaster loan.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to $10,000,000 and the Administrator shall, in lieu of the fee collected under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under section 7(a) to small businesses adversely affected by the September 11, 2001, terrorist attacks and their aftermath, for a period of one year following the date of enactment and to the extent the costs of such reduced fees are offset by appropriations provided by this Act.

SEC. 203. Not later than April 1, 2002, the Secretary of State shall submit to the Committees on Appropriations, in both classified and unclassified form, a report on the United States-People's Republic of China Science and Technology Agreement of 1979, including all protocols. The report is intended to provide a comprehensive evaluation of the benefits of the agreement to the Chinese economy, military, and defense industrial base. The report shall include the following elements:

(1) an accounting of all activities conducted under the Agreement for the past five years, and a projection of activities to be undertaken through 2010;

(2) an estimate of the annual cost to the United States to administer the Agreement;

(3) an assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States;

(4) an analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission;

(5) a determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities through 2010, including transfers of technology, on China's economic and military capabilities; and

(6) recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

The report shall be developed in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

CHAPTER 3

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for ''Defense Emergency Response Fund'', $1,525,000,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38: *Provided*, That $20,000,000 shall be made available for the National Infrastructure Simulation and Analysis Center (NISAC): *Provided further*, That $500,000 shall be made available only for the White House Commission on the National Moment of Remembrance: *Provided further*, That—

(1) $35,000,000 shall be available for the procurement of the Advance Identification Friend-or-Foe system for integration into F–16 aircraft of the Air National Guard that are being used in continuous air patrols over Washington, District of Columbia, and New York, New York; and

(2) $20,000,000 shall be available for the procurement of the Transportation Multi-Platform Gateway for integration into the AWACS aircraft that are being used to perform early warning surveillance over the United States.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. Amounts available in the ''Defense Emergency Response Fund'' shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense only for costs incurred for such purposes between September 11 and December 31, 2001: *Provided further*, That such Fund may be used to liquidate obligations incurred by the Department under the authorities in 41 U.S.C. 11 for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer funds from the Fund to the appropriation, ''Support for International Sporting Competitions, Defense'', to be merged with, and available for the same time period and for the same purposes as that appropriation: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority available to the Secretary of Defense: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 302. Amounts in the ''Support for International Sporting Competitions, Defense'', may be used to support essential security and safety for the 2002 Winter Olympic Games in Salt Lake City, Utah, without the certification required under subsection 10 U.S.C. 2564(a). Further, the term ''active duty'', in section 5802 of Public Law 104–208 shall include State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard in connection with providing essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $7,144,000, of which $922,000 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, and $453,000 is for the Department of Public Works.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $1,032,000, for the Fire and Emergency Medical Services Department.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $10,355,000, of which $205,000 is for the Fire and Emergency Medical Services Department, $258,000 is for the Metropolitan Police Department, and $9,892,000 is for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $2,100,000, for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR RESPONSE AND COMMUNICATIONS CAPABILITY

For a Federal payment to the District of Columbia for response and communications capability, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $14,960,000, of which $7,755,000 is for the Fire and Emergency Medical Services Department, $5,855,000 is for the Metropolitan Police Department, $113,000 is for the Department of Public Works Division of Transportation, $58,000 is for the Office of Property Management, $60,000 is for the Department of Public Works, $750,000 is for the Department of Health, $309,000 is for the Department of Human Services, and $60,000 is for the Department of Parks and Recreation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for search, rescue and other emergency equipment and support, $8,850,000, of which $5,442,000 is for the Metropolitan Police Department, $208,000 is for the Fire and Emergency Medical Services Department, $398,500 is for the Department of Consumer and Regulatory Affairs, $1,178,500 is for the Department of Public Works, $542,000 is for the Department of Human Services, and $1,081,000 is for the Department of Mental Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for equipment, supplies and vehicles for the Office of the Chief Medical Examiner, $1,780,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for hospital containment facilities for the Department of Health, $8,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for the Office of the Chief Technology Officer, $43,994,000, for a first response land-line and wireless interoperability project, of which $1,000,000 shall be used to initiate a comprehensive review, by a non-vendor contractor, of the District's current technology-based systems and to develop a plan for integrating the communications systems of the District of Columbia Metropolitan Police and Fire and Emergency Medical Services Departments with the systems of regional and federal law enforcement agencies, including but not limited to the United States Capitol Police, United States Park Police, United States Secret Service, Federal Bureau of Investigation, Federal Protective Service, and the Washington Metropolitan Area Transit Authority Police: *Provided*, That such plan shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for emergency traffic management, $20,700,000, for the Department of Public Works Division of Transportation, of which $14,000,000 is to upgrade traffic light controllers, $4,700,000 is to establish a video traffic monitoring system, and $2,000,000 is to disseminate traffic information.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia, to be obligated from amounts

made available in Public Law 107–38 and to remain available until September 30, 2003, for training and planning, $11,449,000, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $1,500,000 is for the Emergency Management Agency, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $469,000 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, $100,000 is for the Department of Parks and Recreation, $750,000 is for the Division of Transportation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED SECURITY

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for increased facility security, $25,536,000, of which $3,900,000 is for the Emergency Management Agency, $14,575,000 for the public schools, and $7,061,000 for the Office of Property Management.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Washington Metropolitan Area Transit Authority to meet region-wide security requirements, a contribution of $39,100,000, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, of which $5,000,000 shall be used for protective clothing and breathing apparatus, $17,200,000 shall be for completion of the fiber optic network project and an automatic vehicle locator system, and $16,900,000 shall be for increased employee and facility security.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

For a Federal payment to the Metropolitan Washington Council of Governments to enhance regional emergency preparedness, coordination and response, $5,000,000, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, of which $1,500,000 shall be used to contribute to the development of a comprehensive regional emergency preparedness, coordination and response plan, $500,000 shall be used to develop a critical infrastructure threat assessment model, $500,000 shall be used to develop and implement a regional communications plan, and $2,500,000 shall be used to develop protocols and procedures for training and outreach exercises.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. Notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia may transfer up to 5 percent of the funds appropriated to the District of Columbia in this chapter between these accounts: *Provided*, That no such transfer shall take place unless the Chief Financial Officer of the District of Columbia notifies in writing the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of such transfer.

SEC. 402. The Chief Financial Officer of the District of Columbia and the Chief Financial Officer of the Washington Metropolitan Area Transit Authority shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this chapter beginning no later than March 15, 2002.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation and Maintenance, General'', $139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Water and Related Resources'', $30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Weapons Activities'', $131,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to improve nuclear nonproliferation and verification research and development, for ''Defense Nuclear Nonproliferation'', $226,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OTHER DEFENSE RELATED ACTIVITIES

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for ''Other Defense Activities'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Environmental Restoration and Waste Management'', $8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear power plants, for ''Salaries and Expenses'', $36,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That the funds appropriated herein shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation of the National Park System'', $10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''United States Park Police'', $25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Construction'', $21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for the working capital fund of the Department of the Interior.

RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Maintenance'', $4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $758,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Training and employment services'', $32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–

38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''State Unemployment Insurance and Employment Service Operations'', $4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

WORKERS COMPENSATION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Workers Compensation Programs'', $175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, of such amount, $125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Disease control, research, and training'' for baseline safety screening for the emergency services personnel and rescue and recovery personnel, $12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''National Institute of Environmental Health Sciences'' for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, to provide grants to public entities, not-for-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers to reimburse for health care related expenses or lost revenues directly attributable to the public health emergency resulting from the September 11, 2001, terrorist acts, for ''Public Health and Social Services Emergency Fund'', $140,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That none of the costs have been reimbursed or are eligible for reimbursement from other sources.

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Public Health and Social Services Emergency Fund'', $2,575,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38. Of this amount, $1,000,000,000 shall be for the Centers for Disease Control and Prevention for improving State and local capacity; $100,000,000 shall be for grants to hospitals, in collaboration with local governments, to improve capacity to respond to bioterrorism; $165,000,000 shall be for upgrading capacity at the Centers for Disease Control and Prevention, including research; $10,000,000 shall be for the establishment and operation of a national system to track biological pathogens; $99,000,000 shall be for the National Institute of Allergy and Infectious Diseases for bioterrorism-related research and development and other related needs; $71,000,000 shall be for the National Institute of Allergy and Infectious Diseases for the construction of biosafety laboratories and related infrastructure costs; $593,000,000 shall be for the National Pharmaceutical Stockpile; $512,000,000 shall be for the purchase, deployment and related costs of the smallpox vaccine, and $25,000,000 shall be for improving laboratory security at the National Institutes of Health and the Centers for Disease Control and Prevention. At the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''School Improvement Programs'', for the Project School Emergency Response to Violence program, $10,000,000, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Limitation on Administrative Expenses'', $7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 8

LEGISLATIVE BRANCH

JOINT ITEMS

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States, $256,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That $34,500,000 shall be transferred to the ''SENATE'', ''Sergeant at Arms and Doorkeeper of the Senate'' and shall be obligated with the prior approval of the Senate Committee on Appropriations: *Provided further*, That $40,712,000 shall be transferred to ''HOUSE OF REPRESENTATIVES'', ''Salaries and Expenses'' and shall be obligated with the prior approval of the House Committee on Appropriations: *Provided further*, That the remaining balance of $180,869,000 shall be transferred to the Capitol Police Board, which shall transfer to the affected entities in the Legislative Branch such amounts as are approved by the House and Senate Committees on Appropriations: *Provided further*, That any Legislative Branch entity receiving funds pursuant to the Emergency Response Fund established by Public Law 107–38 (without regard to whether the funds are provided under this chapter or pursuant to any other provision of law) may transfer any funds provided to the entity to any other Legislative Branch entity receiving funds under Public Law 107–38 in an amount equal to that required to provide support for security enhancements, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

SENATE

ADMINISTRATIVE PROVISIONS

SEC. 801. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire buildings and facilities, subject to the availability of appropriations, for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Sergeant at Arms of the Senate may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Sergeant at Arms of the Senate considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking ''The Capitol Police'' and inserting ''(a) The Capitol Police''; and

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

''(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.''.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the Senate, the Architect of the Capitol may transfer to the Sergeant at Arms of the Senate amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the Senate office buildings during a fiscal year in order to cover any portion of the costs incurred by the Sergeant at Arms of the Senate during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 802. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Sergeant at Arms of the Senate and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the Senate during an emergency situation; and

(2) the Sergeant at Arms of the Senate and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Sergeant at Arms of the Senate may enter into a memorandum of understanding described in subsection (a)(1) consistent with the Senate Procurement Regulations.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 803. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking ''but not to exceed'' and all that follows and inserting the following: ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 804. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and non-reimbursable basis,

(B) on a temporary and reimbursable basis, or

(C) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 805. (a) The Chief of the Capitol Police may, upon any emergency as determined by the Capitol Police Board, deputize members of the National Guard (while in the performance of Federal or State service), members of components of the Armed Forces other than the National Guard, and Federal, State or local law enforcement officers as may be necessary to address that emergency. Any person deputized under this section shall possess all the powers and privileges and may perform all duties of a member or officer of the Capitol Police.

(b) The Capitol Police Board may promulgate regulations, as determined necessary, to carry out provisions of this section.

(c) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 806. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, DEFENSE-WIDE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Defense-wide'', $475,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.—Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) NOTICE TO CONGRESS.—Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection the Secretary shall notify the appropriate committees of Congress the following:

(1) The determination to use such amounts for the project.

(2) The estimated cost of the project.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term ''appropriate committees of Congress'' has the meaning given that term in section 2801 (4) of title 10, United States Code.

SEC. 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.—If in exercising the authority in section 2808 of title 10, United States Code, to carry out military construction projects not authorized by law, the Secretary of Defense utilizes, whether in whole or in part, funds appropriated but not yet obligated for a military construction project previously authorized by law, the Secretary shall carry out such military construction project previously authorized by law using amounts appropriated by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220), or any other appropriations Act to provide funds for the recovery from and response to the terrorist attacks on the United States that is enacted after the date of the enactment of this Act, and available for obligation.

(b) NOTICE TO CONGRESS OF TRANSFER OF FUNDS FROM AUTHORIZED MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary of Defense shall notify the congressional defense committees before transferring funds from a military construction project previously authorized by law for purposes of undertaking a military construction project under section 2808 of title 10, United States Code. The notice of a transferal shall specify the military construction project previously authorized by law, and shall set forth the amount of the funds to be so transferred (including whether such funds are all or part of the amount appropriated for such military construction project previously authorized by law).

(2) In this subsection, the term ''congressional defense committees'' means—

(A) the Committees on Appropriations and Armed Services of the Senate; and

(B) the Committees on Appropriations and Armed Services of the House of Representatives.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', for the Office of Intelligence and Security, $1,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, in addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $57,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operating Expenses'', $285,350,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations'', $251,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research, Engineering, and Development'', $50,000,000, to be derived from the Airport and Airway Trust Fund, to be obligated from amounts made available in Public Law 107–38.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for ''Grants-in-aid for airports'', to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, $200,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended, to be obligated from amounts made available in Public Law 107–38

FEDERAL HIGHWAY ADMINISTRATION

MISCELLANEOUS APPROPRIATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Miscellaneous Appropriations'', including the operation and construction of ferrys and ferry facilities, $110,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Emergency Relief Program'', as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Safety and Operations'', $6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $100,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Formula Grants'', $23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CAPITAL INVESTMENT GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Capital Investment Grants'', $100,000,000, to be obligated from amounts made available in Public Law 107–38: *Provided*, That in administering funds made available under this paragraph, the Federal Transit Administrator shall direct funds to those transit agencies most severely impacted by the terrorist attacks of September 11, 2001, excluding any transit agency receiving a Federal payment elsewhere in this Act: *Provided further*, That the provisions of 49 U.S.C. 5309(h) shall not apply to funds made available under this paragraph.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and Special Programs'', $6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for other safety and security related audit and monitoring responsibilities, for ''Salaries and Expenses'', $2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $836,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 11

DEPARTMENT OF THE TREASURY

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $22,846,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $292,603,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38; of this amount, not less than $140,000,000 shall be available for increased staffing to combat terrorism along the Nation's borders, of which $10,000,000 shall be available for hiring inspectors along the Southwest border; not less than $15,000,000 shall be available for seaport security; and not less than $30,000,000 shall be available for the procurement and deployment of non-intrusive and counterterrorism inspection technology, equipment and infrastructure improvements to combat terrorism at the land and sea border ports of entry.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation, Maintenance and Procurement, Air and Marine Interdiction Programs'', $6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Processing, Assistance and Management'', $16,658,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Tax Law Enforcement'', $4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

INFORMATION SYSTEMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Information Systems'', $15,991,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $50,040,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For emergency expenses to the Postal Service Fund to enable the Postal Service to build and establish a system for sanitizing and screening mail matter, to protect postal employees and postal customers from exposure to biohazardous material, and to replace or repair Postal Service facilities destroyed or damaged in New York City as a result of the September 11, 2001, terrorist attacks, $600,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDING FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Federal Buildings Fund'', $126,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operating Expenses'', $4,818,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

REPAIRS AND RESTORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Repairs and Restoration'', $2,180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

CONSTRUCTION, MAJOR PROJECTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Construction, Major Projects'', $2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Community development fund'', $2,000,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of Public Law 107–73: *Provided further*, That within 45 days of enactment, the State of New York, in conjunction with the City of New York, shall establish a corporation for the obligation of the funds provided under this heading, issue the initial criteria and requirements necessary to accept applications from individuals, nonprofits and small businesses for economic losses from the September 11, 2001, terrorist attacks, and begin processing such applications: *Provided further*, That the corporation shall respond to any application from an individual, nonprofit or small business for economic losses under this heading within 45 days of the submission of an application for funding: *Provided further*, That individuals, nonprofits or small businesses shall be eligible for compensation only if located in New York City in the area located on or south of Canal Street, on or south of East Broadway (east of its intersection with Canal Street), or on or south of Grand Street (east of its intersection with East Broadway): *Provided further*, That, of the amount made available under this heading, no less than $500,000,000 shall be made available for individuals, nonprofits or small businesses described in the prior three provisos with a limit of $500,000 per small business for economic losses.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Office of Inspector General'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Science and Technology'', $41,514,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Environmental Programs and Management'', $38,194,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Hazardous Substance Superfund'', $41,292,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for ''State and Tribal Assistance Grants'', $5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For disaster recovery activities and assistance related to the terrorist attacks in New York, Virginia, and Pennsylvania on September 11, 2001, for ''Disaster Relief'', $5,824,344,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $20,000,000, to remain available until expended, for the Office of National Preparedness, to be obligated from amounts made available in Public Law 107–38.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and to support activities related to countering terrorism, for ''Emergency Management Planning and Assistance'', $290,000,000, to remain available until September 30, 2003, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), to be obligated from amounts made available in Public Law 107–38: *Provided*, That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Human Space Flight'', $64,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Science, Aeronautics and Technology'', $28,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and Related Activities'', $300,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 13

GENERAL PROVISIONS, THIS DIVISION

SEC. 1301. Amounts which may be obligated pursuant to this division are subject to the terms and conditions provided in Public Law 107–38.

SEC. 1302. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This division may be cited as the ''Emergency Supplemental Act, 2002''.

DIVISION C—SPENDING LIMITS AND BUDGETARY ALLOCATIONS FOR FISCAL YEAR 2002

SEC. 101. (a) DISCRETIONARY SPENDING LIMITS.—Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985

is amended by striking subparagraph (A) and inserting the following:

''(A) for the discretionary category: $681,441,000,000 in new budget authority and $670,447,000,000 in outlays;''.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the enactment of this section, the chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall each—

(1) revise the aggregate levels of new budget authority and outlays for fiscal year 2002 set in sections 101(2) and 101(3) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a);

(2) revise allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of their respective House as initially set forth in the joint explanatory statement of managers accompanying the conference report on that concurrent resolution, to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a); and

(3) publish those revised aggregates and allocations in the Congressional Record.

(c) REPEAL OF SECTION 203 OF BUDGET RESOLUTION FOR FISCAL YEAR 2002.—Section 203 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress) is repealed.

(d) ADJUSTMENTS.—If, for fiscal year 2002, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority for any category due to technical estimates made by the Director of the Office of Management and Budget, the Director shall make an adjustment equal to the amount of the excess, but not to exceed an amount equal to 0.2 percent of the sum of the adjusted discretionary limits on new budget authority for all categories for fiscal year 2002.

SEC. 102. PAY-AS-YOU-GO ADJUSTMENT.—In preparing the final sequestration report for fiscal year 2002 required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal years 2001 and 2002 under section 252 of that Act to zero.

DIVISION D—TECHNICAL CORRECTIONS

SEC. 101. Title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76) is amended under the heading ''Food and Drug Administration, Salaries and Expenses'' by striking ''$13,207,000'' and inserting ''$13,357,000''.

SEC. 102. Title IV of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended in the third proviso of the first undesignated paragraph under the heading ''Diplomatic and Consular Programs'' by striking ''this heading'' and inserting ''the appropriations accounts within the Administration of Foreign Affairs''.

SEC. 103. Title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended in the proviso under the heading ''Commission on Ocean Policy'' by striking ''appointment'' and inserting ''the first meeting of the Commission''.

SEC. 104. Section 626(c) of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended by striking ''1:00CV03110(ESG)'' and inserting ''1:00CV03110(EGS)''.

SEC. 105. JICARILLA, NEW MEXICO, MUNICIPAL WATER SYSTEM. Public Law 107–66 is amended—

(1) under the heading of ''Title I, Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General''—

(A) by striking ''*Provided further,* That using $2,500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico:''; and

(B) insert at the end before the period the following: '': *Provided further,* That using funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to transfer $2,500,000 to the Secretary of the Interior for the Bureau of Reclamation to proceed with the Jicarilla Municipal Water System in the town of Dulce, New Mexico''; and

(2) under the heading of ''Title II, Department of the Interior, Bureau of Reclamation, Water and Related Resources, (Including the Transfer of Funds)''—

(A) insert at the end before the period the following: '': *Provided further,* That using $2,500,000 of the funds provided herein, the Secretary of the Interior is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico''.

SEC. 106. (a) Public Law 107–68 is amended by adding at the end the following:

''This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 107. Section 102 of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively;

(2) in subsection (g)(1)—

(A) in subparagraph (A), by striking ''subsection (i)(1)(A)'' and inserting ''subsection (h)(1)(A)''; and

(B) in subparagraph (B), by striking ''subsection (i)(1)(B)'' and inserting ''subsection (h)(1)(B)''.

SEC. 108. (a) Section 209 of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68) is amended in the matter amending Public Law 106–173 by striking the quotation marks and period at the end of the new subsection (g) and inserting the following: ''Any reimbursement under this subsection shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

''(h) EMPLOYMENT BENEFITS.—

''(1) IN GENERAL.—The Commission shall fix employment benefits for the Director and for additional personnel appointed under section 6(a), in accordance with paragraphs (2) and (3).

''(2) EMPLOYMENT BENEFITS FOR THE DIRECTOR.—

''(A) IN GENERAL.—The Commission shall determine whether or not to treat the Director as a Federal employee for purposes of employment benefits. If the Commission determines that the Director is to be treated as a Federal employee, then he or she is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title. If the Commission determines that the Director is not to be treated as a Federal employee for purposes of employment benefits, then the Commission or its administrative support service provider shall establish appropriate alternative employment benefits for the Director. The Commission's determination shall be irrevocable with respect to each individual appointed as Director, and the Commission shall notify the Office of Personnel Management and the Department of Labor of its determination. Notwithstanding the Commission's determination, the Director's service is deemed to be Federal service for purposes of section 8501 of title 5, United States Code.

''(B) DETAILEE SERVING AS DIRECTOR.—Subparagraph (A) shall not apply to a detailee who is serving as Director.

''(3) EMPLOYMENT BENEFITS FOR ADDITIONAL PERSONNEL.—A person appointed to the Commission staff under subsection (b)(2) is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title.''.

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68).

SEC. 109. (a) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, $29,542,304 shall be set aside for the project as authorized under title IV of the National Highway System Designation Act of 1995, as amended: *Provided,* That, if funds authorized under these provisions have been distributed then the amount so specified shall be recalled proportionally from those funds distributed to the States under section 110(b)(4)(A) and (B) of title 23, United States Code.

(b) Notwithstanding any other provision of law, for fiscal year 2002, funds available for environmental streamlining activities under section 104(a)(1)(A) of title 23, United States Code, may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association nonprofit or for-profit corporation, or institution of higher education.

(c) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for the National motor carrier safety program, $5,896,000 shall be for State commercial driver's license program improvements.

(d) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for border infrastructure improvements, up to $2,300,000 shall be made available to carry out section 1119(d) of the Transportation Equity Act for the 21st Century, as amended.

SEC. 110. Notwithstanding any other provision of law, of the amounts appropriated for in fiscal year 2002 for the Research and Special Programs Administration, $3,170,000 of funds provided for research and special programs shall remain available until September 30, 2004; and $22,786,000 of funds provided for the pipeline safety program derived from the pipeline safety fund shall remain available until September 30, 2004.

SEC. 111. Item 1497 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 312), relating to Alaska, is amended by inserting ''and

construct capital improvements to intermodal marine freight and passenger facilities and access thereto'' before ''in Anchorage''.

SEC. 112. Of the funds made available in H.R. 2299, the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act, of funds made available for the Transportation and Community and System Preservation Program, $300,000 shall be for the US–61 Woodville widening project in Mississippi and, of funds made available for the Interstate Maintenance program, $5,000,000 shall be for the City of Renton/Port Quendall, WA project.

SEC. 113. Section 652(c)(1) of Public Law 107–67 is amended by striking ''Section 414(c)'' and inserting ''Section 416(c)''.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

SEC. 114. Of the amounts made available under both this heading and the heading ''Salaries and Expenses'' in title II of Public Law 107–73, not to exceed $20,000,000 shall be for the recordation and liquidation of obligations and deficiencies incurred in prior years in connection with the provision of technical assistance authorized under section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''section 514''), and for new obligations for such technical assistance: *Provided,* That of the total amount provided under this heading, not less than $2,000,000 shall be made available from salaries and expenses allocated to the Office of General Counsel and the Office of Multifamily Housing Assistance Restructuring in the Department of Housing and Urban Development: *Provided further,* That of the total amount provided under this heading, no more than $10,000,000 shall be made available for new obligations for technical assistance under section 514: *Provided further,* That from amounts made available under this heading, the Inspector General of the Department of Housing and Urban Development (''HUD Inspector General'') shall audit each provision of technical assistance obligated under the requirements of section 514 over the last 4 years: *Provided further,* That, to the extent the HUD Inspector General determines that the use of any funding for technical assistance does not meet the requirements of section 514, the Secretary of Housing and Urban Development (''Secretary'') shall recapture any such funds: *Provided further,* That no funds appropriated under title II of Public Law 107–73 and subsequent appropriations acts for the Department of Housing and Urban Development shall be made available for four years to any entity (or any subsequent entity comprised of significantly the same officers) that has been identified as having violated the requirements of section 514 by the HUD Inspector General: *Provided further,* That, notwithstanding any other provision of law, no funding for technical assistance under section 514 shall be available for carryover from any previous year: *Provided further,* That the Secretary shall implement the provisions under this heading in a manner that does not accelerate outlays.

SA 2349. Mr. FEINGOLD (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2350. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . APPROPRIATIONS FOR NORTHERN VIRGINIA EMERGENCY RESPONSE AND PREPAREDNESS.

Notwithstanding any other provisions of this bill the following amounts shall be appropriated:

(1) $45 million for emergency response communications technologies and equipment for Northern Virginia police, fire, and rescue.

(2) $20 million for the Capitol Wireless Integrated Network in the Washington Metropolitan Area

(3) $20 million for a chemical sensor program within the Washington, D.C. subway system

(4) $40 million for the Metropolitan Washington Area Transit Authority for security enhancements at terminals.

(5) $30 million to upgrade 911 technology in Northern Virginia

(6) $10 million to cover losses incurred by the Metropolitan Washington Airports Authority and on site concessionaires due to the federal closure and subsequent restriction of operation at Ronald Reagan Washington National Airport.

(7) $55 million for workers at Ronald Reagan Washington National Airport who have lost their jobs due to the federal restrictions still experienced at the airport and resulting decline in business for the period of September 14, 2001 through December 24, 2001.

(8) $8 million for the Virginia State Unemployment Trust Fund for benefits paid between September 14, 2001 and December 24, 2001 to employees laid off at Ronald Reagan Washington National Airport.

(9) $9 million to improve the flow of traffic in both north and southbound lanes of the 14th Street Bridge on Interstate 395 for the function of evacuation of the Metropolitan Washington area and the federal workforce.

SEC. . ACCELERATED FUNDING FOR METRO STYLE RAIL TO DULLES

DULLES CORRIDOR TRANSIT PROJECT.—To facilitate the extension of rail service to Washington Dulles International Airport, the Administrator of the Federal Transit Administration shall work with the Commonwealth of Virginia, Northern Virginia municipalities, the Metropolitan Washington Airports Authority, and the Washington Metropolitan Area Transit Anthority to develop and implement a financing plan for the Dulles Corridor rapid transit project.

SA 2351. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The first section of the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting '', the reservation of the Confederated Tribes of the Warm Springs Reservation of Oregon,'' after ''Spanish Grant'')''; and

(2) by inserting ''lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon'' before '', lands held in trust for the Cherokee Nation of Oklahoma''.

SEC. 2. USE OF CERTAIN TRUST LANDS AND RESOURCES FOR ECONOMIC DEVELOPMENT.

(a) APPROVAL OF AGREEMENT.—The use of tribal lands, resources, and other assets described in the document entitled ''Long-Term Global Settlement and Compensation Agreement'', dated April 12, 2000 (hereafter referred to as the ''GSA''), entered into by the Department of the Interior, the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the ''Tribes''), and the Portland General Electric Company, and in the Included Agreements, as attached to the GSA on April 12, 2000, and delivered to the Department of the Interior on that date, is approved and ratified. The authorization, execution, and delivery of the GSA is approved. In this section, the GSA and the Included Agreements are collectively referred to as the ''Agreement''. Any provision of Federal law which applies to tribal land, resources, or other assets (including proceeds derived therefrom) as a consequence of the Tribes' status as a federally recognized Indian tribe shall not—

(1) render the Agreement unenforceable or void against the parties; or

(2) prevent or restrict the Tribes from pledging, encumbering, or using funds or other assets that may be paid to or received by or on behalf of the Tribes in connection with the Agreement.

(b) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—Congress hereby deems that the Secretary of the Interior had and has the authority—

(A) to approve the Agreement; and

(B) to implement the provisions of the Agreement under which the Secretary has obligations as a party thereto.

(2) OTHER AGREEMENTS.—Any agreement approved by the Secretary prior to or after the date of the enactment of this Act under the authority used to approve the Agreement shall not require Congressional approval or ratification to be valid and binding on the parties thereto.

(c) RULES OF CONSTRUCTION.—

(1) SCOPE OF SECTION.—This section shall be construed as addressing only—

(A) the validity and enforceability of the Agreement with respect to provisions of Federal law referred to in section 2(a) of this Act; and

(B) approval of provisions of the Agreement and actions that are necessary to implement provisions of the Agreement that the parties may be required to obtain under Federal laws referred to in section 2(a) of this Act.

(2) AUTHORITY.—Nothing in this Act shall be construed to imply that the Secretary of the Interior did not have the authority under Federal law as in effect immediately before the enactment of this Act to approve the use of tribal lands, resources, or other assets in the manner described in the Agreement or in the implementation thereof.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as of April 12, 2000.

SA 2352. Mr. STEVENS (for Mr. GRAMM (for himself and Mr. MCCAIN))

proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Section 8628(f), insert the following:

(g) Notwithstanding any other provision of this Act or any other provision of law, the President shall have the sole authority to reprogram, for any other Defense purpose, the funds authorized by this section if he determines that doing so will increase national security or save lives.

SA 2353. Mr. BOND (for himself and Mrs. CARNAHAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the military aircraft industrial base of the United States be preserved. In order to ensure this we must retain—

(1) Adequate competition in the design, engineering, production, sale and support of military aircraft;

(2) Continued innovation in the development and manufacture of military aircraft;

(3) Actual and future capability of more than one aircraft company to design, engineer, produce and support military aircraft.

SEC. 2. STUDY OF IMPACT ON THE INDUSTRIAL BASE.

In order to determine the current and future adequacy of the military aircraft industrial base a study shall be conducted. Of the funds made available under the heading ''Procurement, Defense-Wide'' in this Act, up to $1,500,000 may be made available for a comprehensive analysis of and report on the risks to innovation and cost of limited or no competition in contracting for military aircraft and related weapons systems for the Department of Defense, including the cost of contracting where there is no more than one primary manufacturer with the capacity to bid for and build military aircraft and related weapon systems, the impact of any limited competition in primary contracting on innovation in the design, development, and construction of military aircraft and related weapon systems, the impact of limited competition in primary contracting on the current and future capacity of manufacturers to design, engineer and build military aircraft and weapon systems. The Secretary of Defense shall report to the House and Senate Committees on Appropriations on the design of this analysis, and shall submit a report to these committees no later than 6 months from the date of enactment of this Act.

SA 2354. Mr. BOND proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. ____. (a) The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) In this section:

(1) The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(3) The term ''covered transaction'' means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) If an eligible employee is a covered employee of an air carrier involved in a covered transaction that leads to the combination of crafts or classes that are subject to the Railway Labor Act, the eligible employee may receive assistance under this title only if the parties to the transaction—

(1) apply sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) to the covered employees of the air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, apply the terms of the collective bargaining agreement to the covered employees, and do not abrogate the terms of the agreement.

(d) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2355. Mr. BOND proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes: as follows:

At the appropriate place insert:

''SMALL BUSINESS ADMINISTRATION

''DISASTER LOAN PROGRAM ACCOUNT

''SEC. 115. Of the amount made available under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77), for administrative expenses to carry out the direct loan program, $5,000,000 shall be made available for necessary expenses of the HUBZone program as authorized by section 31 of the Small Business Act, as amended (15 U.S.C. 657a), of which, not more than $500,000 may be used for the maintenance and operation of the Procurement Marketing and Access Network (PRO-Net). The Administrator of the Small Business Administration shall make quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives regarding all actions taken by the Small Business Administration to address the deficiencies in the HUBZone program, as identified by the General Accounting Office in report number GAO–02–57 of October 26, 2001.''.

SA 2356. Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. BIDEN, and Mr. CARPER) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows

At the appropriate place in division A, insert the following:

SEC. . The Secretary of the Army shall, using amounts appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, ARMY'', make a production grant in the amount of $2,000,000 to Green Tree Chemical Technologies of Parlin, New Jersey, in order to help sustain that company through year 2002.

SA 2357. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in the Act under the heading ''Research, Development, Test and Evaluation, Air Force'' up to $4,000,000 may be made available to extend the modeling and reengineering program now being performed at the Oklahoma City Air Logistics Center Propulsion Directorate.

SA 2358. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by title VI under the heading ''OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS'', $7,500,000 may be available for Armed Forces Retirement Homes.

SA 2359. Mr. STEVENS (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance, Marine Corps, $2,800,000 may be used for completing the fielding of half-zip, pullover, fleece uniform shirts for all members of the Marine Corps, including the Marine Corps Reserve.

SA 2360. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', $6,000,000 may be available for 10 radars in the Air Force Radar Modernization Program for C–130H2 aircraft for aircraft of the Nevada Air National Guard at Reno, Nevada.

SA 2361. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $3,000,000 may be made available for Medical Development for the Clark County, Nevada, bioterrorism and public health laboratory.

SA 2362. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $1,000,000 may be made available for Agile Combat Support for the Rural Low Bandwidth Medical Collaboration System.

SA 2363. Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance. Navy, $6,000,000 may be available for the critical infrastructure protection initiative.

SA 2364. Mr. INOUYE (for Mrs. LINCOLN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows.

At the appropriate place in the bill, insert the following:

''SEC. . Of the funds provided in this Act under the heading, 'Research, Development, Test and Evaluation, Air Force,' $2,000,000 may be made available for Battlespace Logistics Readiness and Sustainment project in Fayetteville, Arkansas.''

SA 2365. Mr. INOUYE proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, add the following:

Section . Of the funds appropriated by title VI of this division under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', $2,400,000 may be made available for the Counter Narcotics and Terrorism Operational Medical Support Program at the Uniformed Services University of the Health Sciences.

SA 2366. Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. (a) ASSESSMENT REQUIRED.—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks.

(2) A description and assessment of the current risks in the storage of chemical weapons arising from storage of such weapons after April 2007, the required date for disposal of such weapons as stated in the Chemical Weapons Convention.

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) CONSIDERATIONS.—In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

SA 2367. Mr. INOUYE (for Mr. KERRY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' and available for the Advanced Technology Development for Arms Control Technology element, $7,000,000 may be made available for the Nuclear Treaty sub-element of such element for peer-reviewed seismic research to support Air Force operational nuclear test monitoring requirements.

SA 2368. Mr. INOUYE (for Mr. KERRY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the apropriate place in division A, insert the following:

SEC. . Of the amount available in title III of this division under the heading ''PROCUREMENT OF AMMUNITION, AIR FORCE'', $10,000,000 may be available for procurement of Sensor Fused Weapons (CBU–97).

SA 2369. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, NAVY'', $8,000,000 may be made available for procurement of the Tactical Support Center, Mobile Acoustic Analysis System.

SA 2370. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by this division for operation and maintenance, Air National Guard, $4,000,000 may be used for continuation of the Air National Guard Information Analysis Network (GUARDIAN).

SA 2371. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. Of the amount appropriated by title II for operation and maintenance, Defense-wide, $55,700,000 may be available for the Defense Leadership and Management Program.

SA 2372. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, add the following new section:

SEC. ____. Of the funds made available in Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', up to $4,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SA 2373. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, add the following new section:

SEC. ____. Of the funds made available in Title II of this Act under the heading ''Operation and Maintenance, Navy'', up to $2,000,000 may be made available for the U.S. Navy to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SA 2374. Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, add the following new section:

SEC. ____. Of the funds made available in Title II of this Act under the heading ''Operation and Maintenance, Air Force'', up to $2,000,000 may be made available for the U.S. Air Force to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SA 2375. Mr. INOUYE proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ENVIRONMENTAL CONTAMINATION IN THE PHILIPPINES.

It is the sense of the Senate that—

(1) the Secretary of State, in cooperation with the Secretary of Defense, should continue to work with the Government of the Philippines and with appropriate non-governmental organizations in the United States and the Philippines to fully identify and share all relevant information concerning environmental contamination and health effects emanating from former United States military facilities in the Philippines following the departure of the United States military forces from the Philippines in 1992;

(2) the United States and the Government of the Philippines should continue to build upon the agreements outlined in the Joint Statement by the United States and the Republic of the Philippines on a Framework for Bilateral Cooperation in the Environment and Public Health, signed on July 27, 2000; and

(3) Congress should encourage an objective non-governmental study, which would examine environmental contamination and health effects emanating from former United States military facilities in the Philippines, following the departure of United States military forces from the Philippines in 1992.

SA 2376. Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) AUTHORITY FOR BURIAL OF CERTAIN INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The Secretary of the Army shall authorize the burial in a separate gravesite at Arlington National Cemetery, Virginia, of any individual who—

(1) died as a direct result of the terrorist attacks on the United States on September 11, 2001; and

(2) would have been eligible for burial in Arlington National Cemetery by reason of service in a reserve component of the Armed Forces but for the fact that such individual was less than 60 years of age at the time of death.

(b) ELIGIBILITY OF SURVIVING SPOUSE.—The surviving spouse of an individual buried in a gravesite in Arlington National Cemetery under the authority provided under subsection (a) shall be eligible for burial in the gravesite of the individual to the same extent as the surviving spouse of any other individual buried in Arlington National Cemetery is eligible for burial in the gravesite of such other individual.

SA 2377. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

''SEC. . In fiscal year 2002, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.''

SA 2378. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

Of the total amount appropriated by this division for other procurement, Army, $9,000,000 may be available for the ''Product Improved Combat Vehicle Crewman's Headset''.

SA 2379. Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. 8135. Of the fund appropriated by this division for research, development, test and evaluation, Navy, up to $4,000,000 may be used to support development and testing of new designs of low cost digital modems for Wideband Common Data Link.

SA 2380. Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. 8135. Of the amount appropriated by this division for the Army for research, development, test, and evaluation, $2,000,000 may be available for research and development of key enabling technologies (such as filament winding, braiding, contour weaving, and dry powder resin towpregs fabrication) for producing low cost, improved performance, reduced signature, multifunctional composite materials.

SA 2381. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated under title IV for research, development, test and evaluation, Army, $2,000,000 may be available for the Collaborative Engineering Center of Excellence, $3,000,000 may be available for the Battlefield Ordnance Awareness, and $4,000,000 may be available for the Cooperative Micro-satellite Experiment.

SA 2382. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' that is available for Munitions, $5,000,000 may be available to develop high-performance 81mm and 120mm mortar systems that use metal matrix composites to substantially reduce the weight of such systems.

SA 2383. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Air Force, up to $6,000,000 may be used for human effectiveness applied research for continuing development under the solid electrolyte oxygen separation program of the Air Force.

SA 2384. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SA 2385. Mr. STEVENS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division for the Army for research, development, test, and evaluation, $500,000,000 may be available for the Three-Dimensional Ultrasound Imaging Initiative II.

SA 2386. Mr. INOUYE (for Mr. KERRY (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount available in title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' that is available for missile technology, $5,000,000 may be available for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SA 2387. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title III of this division under the heading ''Other Procurement, Army'', $10,000,000 may be made available for procurement of Shortstop Electronic Protection Systems for critical force protection.

SA 2388. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3338, making appropriations

for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to, $5,000,000 may be made available for the Broad Area Maritime Surveillance program.

Sa 2389. Mr. STEVENS (for himself, Mr. LUGAR, Mr. LEVIN, Mr. BIDEN, Mr. HAGEL, Mr. DOMENICI, Mr. BINGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. MCCAIN, Mr. GRAHAM, Mr. KERRY, Mr. SMITH, of Oregon, Mr. REED, Mr. CONRAD, and Mr. CLELAND) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, as follows:

At the end of title VIII of division A, add the following:

SEC. . (A) INCREASE IN AMOUNT AVAILABLE FOR FORMER SOVIET UNION THREAT REDUCTION.—The amount appropriated by title II of this division under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' is hereby increased by $46,000,000.

(b) OFFSET.—The amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE''is hereby decreased by $46,000,000.

SA 2390. Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 223, line 23, insert before the period '', of which, $3,000,000 may be used for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processible rigid-rod materials''.

SA 2391. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page of the original text, or at the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE'', $2,000,000 may be made available for Military Personnel Research.

SA 2392. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page of the original text, or at the appropriate place, insert the following:

SEC. . *Provided,* That the funds appropriated by this act for C–130J aircraft shall be used to support the Air Force's long-range plan called the ''C–130 Roadmap'' to assist in the planning, budgeting, and beddown of the C–130J fleet. The ''C–130 Roadmap'' gives consideration to the needs of the service, the condition of the aircraft to be replaced, and the requirement to properly phase facilities to determine the best C–130J aircraft beddown sequence.

SA 2393. Mr. STEVENS (for Mr. HELMS (for himself and Mr. EDWARDS)) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title II of this Act under the heading ''Operation and Maintenance, Army'', $2,550,000 may be available for the U.S. Army Materiel Command's Logistics and Technology Project (LOGTECH).

SA 2394. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page of the original text, or at the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 is available for the planning and design for evolutionary improvements for the next LHD-type Amphibious Assault Ship.

SA 2395. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. (a) Of the total amount appropriated by title III of this division for procurement, Defense-Wide, up to $5,000,000 may be made available for low-rate initial production of the Striker advanced lightweight grenade launcher.

(b) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Navy, up to $1,000,000 may be made available for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker advanced lightweight grenade launcher.

SA 2396. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. (a) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Defense-Wide, up to $4,000,000 may be made available for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency.

SA 2397. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Defense-Wide, $5,000,000 may be available for further development of light weight sensors of chemical and biological agents using fluorescence-based detection.

SA 2398. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. Of the amount appropriated by title IV of this division under the heading ''RESEARCH DEVELOPMENT, TEST AND EVALUATION ARMY'' $2,5000,000 may be made available for the Army Nutrition Project.

SA 2399. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $2,000,000 may be made available for the Partnership for Peace (PFP) Information Management System. Any amount made available for the Partnership for Peace Information Management System under this section is in addition to other amounts available for the Partnership for Peace Information Management System under this Act.

SA 2400. Mr. STEVENS (for Mr. THOMPSON) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, ARMY'', $4,892,000 may be used for the Communicator Automated Emergency Notification System of the Army National Guard.

SA 2401. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

SEC. .—Of the funds provided for Research, Development, Test and Evaluation in this bill, the Secretary of Defense may use $10,000,000 to initiate a university-industry program to utilize advances in 3-dimensional chip scale packaging (CSP) and high temperature superconducting (HTS) transceiver performance, to reduce the size, weight, power consumption, and cost of advanced military wireless communications systems for covert military and intelligence operations, especially HUMINT.

SA 2402. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR NATIONAL GUARD, CONSOLIDATED INTERACTIVE VIRTUAL INFORMATION CENTER.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD'', $5,000,000 may be available for the Consolidated Interactive Virtual Information Center of the National Guard.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the Consolidated Interactive Virtual Information Center of the National Guard is in addition to any other amounts available under this Act for the Consolidated Interactive Virtual Information Center.

SA 2403. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' and available for Navy Space and Electronic Warfare (SEW) Architecture/Engine, $1,200,000 may be made available for concept development and composite construction of high speed vessels currently implemented by the Navy Warfare Development Command.

SA 2404. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, $5,000,000 may be available for payments under section 363 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–77).

SA 2405. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The military departments have recently initiated worker safety demonstration programs.

(2) These programs are intended to improve the working conditions of Department of Defense personnel and save money.

(3) These programs are in the public interest, and the enhancement of these programs will lead to desirable results for the military departments.

(b) FUNDS FOR ENHANCEMENT OF ARMY PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, ARMY'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Army.

(c) FUNDS FOR ENHANCEMENT OF NAVY PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, NAVY'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Navy.

(d) FUNDS FOR ENHANCEMENT OF AIR FORCE PROGRAM.—Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', $3,300,000 may be available to enhance the Worker Safety Demonstration Program of the Air Force.

SA 2406. Mr. INOUYE (for Mrs. CARNAHAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Air National Guard, $435,000 may be available (subject to section 2085(c) of title 10, United States Code) for the replacement of deteriorating gas lines, mains, valves, and fittings at the Air National Guard facility at Rosecrans Memorial Airport, St. Joseph, Missouri, and (subject to section 2811 of title 10, United States Code) for the repair of the roof of the Aerial Port Facility at that airport.

SA 2407. Mr. INOUYE (for Mr. NELSON of Florida) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in Division A, insert the following:

SEC. . Of the amount appropriated in title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $7,000,000 may be made available for the Center for Advanced Power Systems.

SA 2408. Mr. INOUYE (for Mr. DEWINE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division for the Air Force for research, development, test, and evaluation, $3,500,000 may be available for the Collaborative Technology Clusters program.

SA 2409. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title II of this division under the heading ''OTHER PROCUREMENT, ARMY'', $7,000,000 may be available for Army live fire ranges.

SA 2410. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', $3,900,000 may be available for the aging aircraft program of the Air Force.

SA 2411. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title II of this division for operation and maintenance, Navy, for civilian manpower and personnel management, $1,500,000 may be used for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 2412. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated in title IV of this division for research, development, test and evaluation, Army, $5,000,000 may be used for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration.

SA 2413. Mr. INOUYE (for Mr. CLELAND) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''OTHER PROCUREMENT, NAVY'', $1,600,000 may be available for the Navy for Engineering Control and Surveillance Systems.

SA 2414. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 may made be available for a program at the Naval Medical Research Center (NMRC) to treat victims of radiation exposure.

SA 2415. Mr. INOUYE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $10,000,000 may be available for the Gulf States Initiative.

SA 2416. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Navy, $4,300,000 may be available for the demonstration and validation of laser fabricated steel reinforcement for ship construction.

SA 2417. Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the Committee amendment, insert the following new section:

SEC. ___. REPORT ON PROGRESS TOWARD IMPLEMENTATION OF COMPREHENSIVE NUCLEAR THREAT REDUCTION PROGRAMS TO SAFEGUARD PAKISTANI AND INDIAN NUCLEAR STOCKPILES AND TECHNOLOGY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1991 the Nunn-Lugar cooperative threat reduction initiative with the Russian Federation has sought to address the threat posed by Soviet-era stockpiles of nuclear, chemical, and biological weapons-grade materials being illicitly acquired by terrorist organizations or rogue states.

(2) India and Pakistan have acquired or developed independently nuclear materials, detonation devices, warheads, and delivery systems as part of their nuclear weapons programs.

(3) Neither India nor Pakistan is currently a signatory of the Nuclear Non-Proliferation Treaty or the Comprehensive Test Ban Treaty or an active participant in the United Nations Conference of Disarmament, nor do these countries voluntarily submit to international inspections of their nuclear facilities.

(4) Since the commencement of the military campaign against the Taliban regime and the al-Qaeda terrorist network in Afghanistan, Pakistan has taken additional steps to secure its nuclear assets from theft by members of al-Qaeda or other terrorists sympathetic to Osama bin Laden or the Taliban.

(5) Self-policing of nuclear materials and sensitive technologies by Indian and Pakistani authorities without up-to-date Western technology and expertise in the nuclear security area is unlikely to prevent determined terrorists or sympathizers from gaining access to such stockpiles over the long term.

(6) The United States has a significant national security interest in cooperating with India and Pakistan in order to ensure that effective nuclear threat reduction programs and policies are being pursued by the governments of those two countries.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in cooperation with the Secretaries of State and Energy, shall submit a report to Congress describing the steps that have been taken to develop cooperative threat reduction programs with India and Pakistan. Such report shall include recommendations for changes in any provision of existing law that is currently an impediment to the full establishment of such programs, a timetable for implementation of such programs, and an estimated five-year budget that will be required to fully fund such programs.

SA 2418. Mr. INOUYE (Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''PROCUREMENT, MARINE CORPS'', $5,000,000 may be available for M–4 Carbine, Modular Weapon Systems.

SA 2419. Mr. INOUYE (Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriatred by title III of this division under the heading ''AIRCRAFT PROCUREMENT, ARMY'', $7,500,000 may be available for AVR–2A laser detecting sets.

SA 2420. Mr. INOUYE (Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriatred by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $2,500,000 may be available for Industrial Preparedness (PE0708011F) for continuing development of the nickel-mental hydride replacement battery for F–16 aircraft.

SA 2421. Mr. INOUYE (Mr. DODD) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriatred by title III of this division under the heading ''AIRCRAFT PROCUREMENT, NAVY'', $8,960,000 may be available for the Navy for four Hushkit noise inhibitors for C–9 aircraft.

SA 2422. Mr. INOUYE (for Mr. SARBANES) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title VI of this division under the heading ''DEFENSE HEALTH PROGRAM'', $5,000,000 may be available for the Army for the development of the Operating Room of the Future, an applied technology test bed at the University of Maryland Medical Center.

SA 2423. Mr. INOUYE (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $5,700,000 may be made available or the Coalition for Advanced Biomaterials Technologies and Therapies (CABTT) program to maximize far-forward treatment and for the accelerated return to duty of combat casualties.

SA 2424. Mr. INOUYE (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading ''AIRCRAFT PROCUREMENT, NAVY'', $9,800,000 may be available for Advanced Digital Recorders and Digital Recorder Producers for P–3 aircraft.

SA 2425. Mr. INOUYE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR CERTAIN PROGRAMS AND PROJECTS.—From amounts appropriated by this division, amounts may hereby be made available as follows:

(1) $8,000,000 for Big Crow (PE 605118D).

SA 2426. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of this division, add the following:

SEC. 8135. (a) FUNDING FOR DOMED HOUSING UNITS ON MARSHALL ISLANDS.—From within amounts appropriated by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' the Commanding General of the Army Space and Missile Defense Command may acquire, and maintain domed housing units for military personnel on Kwajalein Atoll and other islands and locations in support of the mission of the command.

SA 2427. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Of the funds made available in Title IV of the act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' $4,000,000 may be available for a national tissue engineering center.

SA 2428. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Of the funds in Title III for Ammunition Procurement, Army, $5,000,000 may be available for M107, HE, 155mm.

SA 2429. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Of the funds by Title IV for Research, Development, Test and Evaluation, Air Force,

$1,000,000 may be available for Integrated Medical Information Technology System.

SA 2430. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Of the funds authorized in Title IV for appropriation for Research, Development, Test and Evaluation, Navy, $3,000,000 may be available for modular helmet.

SA 2431. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Of the funds available in Title II for Operation & Maintenance, Army Reserve, $5,000,000 may be available for land forces readiness-information operations.

SA 2432. Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the total amount appropriated by title III of this division for other procurement, Navy, $10,000,000 may be available for the NULKA decoy procurement.

SA 2433. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, insert the following:

SEC. (a).—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting ", or its contractors or subcontractors," after "Department of Defense"; and

(2) in paragraph (3), by striking "stored, assembled, disassembled, or maintained" and inserting "manufactured, assembled, or disassembled".

(b) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(c) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (b), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(d) DEADLINE FOR ACTIONS.—The Secretary shall complete the actions required by subsections (b) and (c) not later than 90 days after the date of the enactment of this Act.

(e) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (b), the number of workers identified under subsection (c)(1)(A), the content of the notice to such workers under subsection (c)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (c)(1)(B).

SA 2434. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" $1,000,000, may be available for Low Cost Launch Vehicle Technology.

SA 2435. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) STUDY OF PHYSICAL STATE OF ARMED SERVICES INITIAL ENTRY TRAINEE HOUSING AND BARRACKS.—The Comptroller General of the United States shall carry out a study of the physical state of the Initial Entry Trainee housing and barracks of the Armed Services.

(b) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study carried out under subsection (a). The report shall set forth the results of the study, and shall include such other matters relating to the study as the Comptroller General considers appropriate.

(c) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" means—

(1) the Committees on Appropriations and Armed Services of the Senate; and

(2) the Committees on Appropriations and Armed Services of the House of Representatives.

SA 2436. Mr. STEVENS (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, between lines 17 and 18, insert the following:

PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE

SEC. 8135. (a) Of the total amount appropriated by this division for operation and maintenance, Defense-Wide, $1,000,000 may be available for the Secretary of Defense to carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program may be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(b) In entering into any contract for purposes of the pilot program, the Secretary may take into appropriate account current Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) Not later than one year after the date of the enactment of this Act, the Secretary may submit to Congress a report on the pilot program. The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations at the Secretary considers appropriate regarding expansion or extension of the pilot program.

SA 2437. Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 902 of division B and insert the following:

SEC. 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.—If in exercising the authority in section 2808 of title 10, United States Code, to carry out military construction projects not authorized by law, the Secretary of Defense utilizes, whether in whole or in part, funds appropriated but not yet obligated for a military construction project previously authorized by law, the Secretary may carry out such military construction project previously authorized by law using amounts appropriated by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220), or any other appropriations Act to provide funds for the recovery from and response to the terrorist attacks on the United States that is enacted after the date of the enactment of this Act, and available for obligation.

SA 2438. Mr. INOUYE (for Ms. STABENOW) proposed an amendment to the bill H.R. 3338, making appopriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR ADVANCED SAFETY TETHER OPERATION AND RELIABILITY/SPACE TRANSFER USING ELECTRODYNAMIC PROPULSION (STEP–AIRSEDS) PROGRAM.—Of the amount appropriated by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" $2,000,000, may be allocated to the Advanced Safety Tether Operation and Reliability/Space Transfer using Electrodynamic Propulsion (STEP-AIRSEDS) program (PE0602236N) of the Office of Naval Research/Navy Research Laboratory.

SA 2439. Mr. INOUYE (for Ms. STABENOW) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for

the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 201, after line 22 insert the following:

SEC. 1202. ___—UNITY IN THE SPIRIT OF AMERICA.

(a) SHORT TITLE.—This title may be cited as the ''Unity in the Spirit of America Act'' or the ''USA Act''.

(b) PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"SEC. 401. PROJECTS.

''(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

''(b) IDENTIFICATION OF PROJECTS.—

''(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

''(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

''(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

''(2) IDENTIFIED PROJECTS.—The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

''(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization), an Indian tribe, or an institution of higher education.

''(d) PROJECTS.—The Foundation shall name, under this section, projects—

''(1) that advance the goals of unity, and improving the quality of life in communities; and

''(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

''(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.''.

SA 2440. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 152, after line 19, insert:

SEC. 204. From within funds available to the State of Alaska or the Alaska Region of the National Marine Fisheries Service, an additional $500,000 may be made available for the cost of guaranteeing the reduction loan authorized under section 144(d)(4)(A) of title I, Division B of Public Law 106–554 (114 Stat. 2763A–242) and that subparagraph is amended to read as follows: ''(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed through a reduction loan of $100,000,000 under-section 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).''.

SA 2441. Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 205, after line 12, insert the following:

SEC. 104. Section 612 of P.L. 107–77 is amended by striking ''June 30, 2002'' and inserting ''April 1, 2002''.

SA 2442. Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 209, after line 25, insert:

SEC. 110. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2001 (Public Law 107–68) is amended—

(1) by striking ''90-day'' in paragraph (1) and inserting ''180-day'', and

(2) by striking ''90-day'' in paragraph (2)(C) and inserting ''180 days''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 (Public Law 107–68).

SA 2443. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 191, after line 12 insert: General Provisions, This Chapter

SEC. 1001. Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended —

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

''(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).'';

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

''(E) DEFINITIONS.—In this paragraph:

''(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

''(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia.''; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

SA 2444. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

In chapter 5 of division B, under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' under the paragraph ''DEFENSE NUCLEAR PROLIFERATION'', insert after ''nuclear proliferation and verification research and development'' the following: ''(including research and development with respect to radiological dispersion devices, also known as 'dirty bombs')''.

SA 2445. Mr. INOUYE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 138, after line 2, insert the following:

SEC. 101. Section 741(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (P.L. 107–76), is amended by striking ''20,000,000 pounds'' and inserting ''5,000,000 pounds''.

SA 2446. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 165, after line 22, insert the following:

SEC. 501. Of the funds provided in this or any other Act for ''Defense Environmental Restoration and Waste Management'' at the Department of Energy, up to $500,000 may be available to the Secretary of Energy for safety improvements to roads along the shipping route to the Waste Isolation Pilot Plant site.

SA 2447. Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 165, after line 22, insert the following:

SEC. 503. NUTWOOD LEVEE, ILLINOIS.—The Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended under the heading ''Title I, Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Construction, General'' by inserting after ''$3,500,000'' but before the ''.'' '': *Provided further,* That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may initiate construction on the Nutwood Levee, Illinois project''.

SA 2448. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 165, after line 22, add the following:

SEC. 502. Title III of the Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended by adding at the end the following new section:

''SEC. 313. (a) INCREASE IN AMOUNT AVAILABLE FOR ELECTRIC ENERGY SYSTEMS AND STORAGE PROGRAM.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY' is hereby increased by $14,000,000, with the amount of the increase to be available under that paragraph for the electric energy systems and storage program.

''(b) DECREASE IN AMOUNT AVAILABLE FOR DEPARTMENT OF ENERGY GENERALLY.—The amount appropriated by this title under the heading 'DEPARTMENT OF ENERGY' (other than under the heading ''National Nuclear Security Administration or under the heading 'ENERGY PROGRAMS' under the paragraph 'ENERGY SUPPLY') is hereby decreased by $14,000,000, with the amount of the decrease to be distributed among amounts available under the heading 'DEPARTMENT OF ENERGY' in a manner determined by the Secretary of Energy and approved by the Committees on Appropriation.''.

SA 2449. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 186, line 22 before the period, insert:

''*Provided,* That it be the Sense of the Senate that funds provided under this paragraph shall be used to provide subsidized service at a rate of not less than three flights per day for eligible communities with significant enplanement levels that enjoyed said rate of service, with or without subsidy, prior to September 11, 2001.

SA 2450. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 196, after line 15, insert:

SEC. 1101. None of the funds appropriated by this Act or any other Act may be used after June 30, 2002 for the operation of any federally owned building if determined to be appropriate by the Administrator of the General Services Administration or to enter into any lease or lease renewal with any person for office space for a federal agency in any other building, unless such operation, lease, or lease renewal is in compliance with a regulation or Executive Order issued after the date of enactment of this section that requires redundant and physically separate entry points to such buildings, and the use of physically diverse local network facilities, for the provision of telecommunications services to federal agencies in such buildings.

SA 2451. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 195, on line 20 before the period, insert:

''*Provided,* That the Postal Service is authorized to review rates for product delivery and minimum qualifications for eligible service providers under section 5402 of title 39, and to recommend new rates and qualifications to reduce expenditures without reducing service levels.''

SA 2452. Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Purpose: On page 168, after line 9, insert:

SECTION 601. SHORT TITLE.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution may collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

(b) TYPES OF ARTIFACTS.—In carrying out subsection (a), the Secretary of the Smithsonian Institution shall consider collecting and preserving—

(1) pieces of the World Trade Center and the Pentagon;

(2) still and video images made by private individuals and the media;

(3) personal narratives of survivors, rescuers, and government officials; and

(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

(c) There is authorized to be appropriated to the Smithsonian Institution $5,000,000 to carry out this section.

SA 2453. Mr. INOUYE (for Mr. DASCHLE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) MEMBERSHIP.—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking ''There is hereby'' and inserting the following:

''(1) IN GENERAL.—There is''; and

(2) by striking the second sentence and inserting the following:

''(2) MEMBERSHIP.—The Board shall be composed of—

''(A) the Secretary of Health and Human Services;

''(B) the Librarian of Congress;

''(C) the Secretary of State;

''(D) the Chairman of the Commission of Fine Arts;

''(E) the Mayor of the District of Columbia;

''(F) the Superintendent of Schools of the District of Columbia;

''(G) the Director of the National Park Service;

''(H) the Secretary of Education;

''(I) the Secretary of the Smithsonian Institution;

''(J)(i) the Speaker and the Minority Leader of the House of Representatives;

''(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

''(iii) 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

''(K)(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

''(iii) 3 additional Members of the Senate appointed by the President of the Senate; and

''(L) 36 general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).''.

(b) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a ''new general trustee''), except that the initial term of office of each new general trustee shall—

(1) commence on the date on which the new general trustee is appointed by the President; and

(2) terminate on September 1, 2007.

SA 2454. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 168, after line 9, insert the following:

SEC. (a) GENERAL TRUSTEES.—

(1) IN GENERAL.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is amended in its last clause by striking out the word ''thirty'' and inserting in lieu thereof the word ''thirty-six''.

(2) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—

(A) INITIAL TERMS OF OFFICE.—

(i) COMMENCEMENT OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this Act shall commence upon appointment by the President.

(ii) EXPIRATIONS OF INITIAL TERM.—The initial terms of office for all new general trustee offices created by this Act shall continue until September 1, 2007.

(iii) VACANCIES AND SERVICE UNTIL THE APPOINTMENT OF A SUCCESSOR.—For all new general trustee offices created by this Act, subsections (b)(1) and (b)(2) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) shall apply.

(B) SUCCEEDING TERMS OF OFFICE.—Upon the expirations of the initial terms of office pursuant to Section 1(b)91) of this Act, the terms of office for all new general trustee offices created by this Act shall be governed by subsection (b) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h).

(b) EX OFFICIO TRUSTEES.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by inserting in the second sentence ''the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the

Minority Leader of the House of Representatives,'' after ''the Secretary of the Smithsonian Institution,''.

(c) HOUSEKEEPING AMENDMENT.—To conform with the previous abolition of the United States Information Agency and the transfer of all functions of the Director of the United States Information Agency to the Secretary of State (sections 1311 and 1312 of Public Law 105–277, 112 Stat. 2681–776), subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is further amended by striking in the second sentence ''the Director of the United States Information Agency,'' and inserting in lieu thereof ''the Secretary of State,''.

SA 2455. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 201, after line 22, insert the following:

SEC. 1201. Within funds previously appropriated as authorized under the Native American Housing and Self Determination Act of 1996 (Pub.L. 104–330, §§1(a), 110 Stat. 4016) and made available to Cook Inlet Housing Authority, Cook Inlet Housing Authority may use up to $9,500,000 of such funds to construct student housing for Native college students, including an on-site computer lab and related study facilities, and, notwithstanding any provision of such Act to the contrary, Cook Inlet Housing Authority may use a portion of such funds to establish a reserve fund and to provide for maintenance of the project.''

SA 2456. Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 165, after line 22, insert the attached.

GENERAL PROVISION, THIS CHAPTER

SEC. 501. The Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows:

(1) by inserting in Section 4(c) after ''2000,'' and before ''costs'' the following: ''and the additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001,''; and

(2) by inserting in Section 5 after ''levels),'' and before ''plus'' the following: ''and, effective October 1, 2001, not to exceed an additional $32,000,000 (October 1, 2001, price levels),''.

SA 2457. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 168, after line 9, insert the following new section:

''SEC. 603. Section 29 of P.L. 92–203, as enacted under section 4 of P.L. 94–204 (43 U.S.C. 1626), is amended by adding at the end of subsection (e) the following:

''(4)(A) Congress confirms that Federal procurement programs for tribes and Alaska Native Corporations are enacted pursuant to its authority under Article I, Section 8 of the United States Constitution.

(B) Contracting with an entity defined in subparagraph (e)(2) of this section or section 3(c) of P.L. 93–262 shall be credited towards the satisfaction of a contractor's obligations under section 7 of P.L. 87–305.

(C) Any entity that satisfies subparagraph (e)(2) of this section that has been certified under section 8 of P.L. 85–536 is a Disadvantaged Business Enterprise for the purposes of P.L. 105–178.''.

SA 2458. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

No appropriated funds or revenues generated by the National Railroad Passenger Corporation may be used to implement Section 204(c)(2) of P.L. 105–134 until the Congress has enacted an Amtrak reauthorization Act.

SA 2459. Mr. INOUYE (for Mr. DASCHLE) proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

TITLE ____—HOMESTAKE MINE CONVEYANCE

SEC. ____1. SHORT TITLE.

This title may be cited as the ''Homestake Mine Conveyance Act of 2001''.

SEC. ____2. FINDINGS.

Congress finds that—

(1) the United States is among the leading nations in the world in conducting basic scientific research;

(2) that leadership position strengthens the economy and national defense of the United States and provides other important benefits;

(3) the Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research;

(4) the Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory;

(5) such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States;

(6) the establishment of the laboratory is in the national interest, and would substantially improve the capability of the United States to conduct important scientific research;

(7) for economic reasons, Homestake intends to cease operations at the Mine in 2001;

(8) on cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine;

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory;

(10) use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government;

(11) if the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine;

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property; and

(13) to secure the use of the Mine as the location for the laboratory, and to realize the benefits of the proposed laboratory, it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. ____3. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term ''affiliate'' means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term ''affiliate'' includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term ''conveyance'' means the conveyance of the Mine to the State under section ____4(a).

(4) FUND.—The term ''Fund'' means the Environment and Project Trust Fund established under section ____8.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term ''Homestake'' means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term ''Homestake'' includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY.—The term ''independent entity'' means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section ____4(b)(2)(A); and

(B) to determine the fair value of the Mine under section ____5(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—

(A) IN GENERAL.—The term ''laboratory'' means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term ''laboratory'' includes operating and support facilities of the laboratory.

(9) MINE.—

(A) IN GENERAL.—The term ''Mine'' means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term ''Mine'' includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term ''Mine'' does not include—

(i) the feature known as the ''Open Cut'';

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON.—The term ''person'' means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR.—The term ''project sponsor'' means an entity that manages or pays the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD.—The term ''Scientific Advisory Board'' means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of South Dakota.

(B) INCLUSIONS.—The term ''State'' includes an institution, agency, officer, or employee of the State.

SEC. ___4. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this title, the Administrator shall accept the final report of the independent entity under paragraph (3).

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this title, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may present an imminent and substantial endangerment to public health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, the Administrator, and the independent entity shall consult and agree upon the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may present an imminent and substantial endangerment to public health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report only if the Administrator identifies 1 or more conditions of the Mine that—

(i) may present an imminent and substantial endangerment to the public health or the environment, as determined by the Administrator; and

(ii) require response action to correct each condition that may present an imminent and substantial endangerment to the public health or the environment identified under clause (i) before conveyance and assumption by the Federal Government of liability concerning the Mine under this title.

(C) RESPONSE ACTIONS AND CERTIFICATION.—

(i) RESPONSE ACTIONS.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may present an imminent and substantial endangerment to public health or the environment.

(II) LONG-TERM RESPONSE ACTIONS.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis, to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS.—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE.—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) $75,000,000; less

(II) the fair value of the Mine as determined under section ____5(a).

(iii) CERTIFICATION.—

(I) IN GENERAL.—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE.—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. ___5. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY.—The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE.—For the purposes of this section, the fair value of the Mine shall include the estimated cost, as determined by the independent entity under subsection (a), of replacing the shafts, winzes, hoists, tunnels, ventilation system, and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) REPORT.—Not later than the date on which each report developed in accordance with section ____4(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the State a report that identifies the fair value assessed under subsection (a).

SEC. ___6. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—

(1) ASSUMPTION.—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) CLAIMS AGAINST UNITED STATES.—In the case of any claim brought against the United States, the United States shall be liable for—

(A) damages under paragraph (1)(A), only to the extent that an award of damages is made in a civil action brought under chapter 171 of title 28, United States Code; and

(B) response costs under paragraph (1)(C), only to the extent that an award of response costs is made in a civil action brought under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(iv) any other applicable Federal environmental law, as determined by the Administrator.

(b) LIABILITY PROTECTION.—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) INDEMNIFICATION.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) WAIVER OF SOVEREIGN IMMUNITY.—For purposes of this Act, the United States waives any claim to sovereign immunity.

(e) TIMING FOR ASSUMPTION OF LIABILITY.—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR HOMESTAKE CLAIMS.—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than an environmental claim or a claim concerning natural resources;

(3) any violation of any provision of criminal law; or

(4) any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this title, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation arises out of the continued existence or use of the Mine subsequent to the date of conveyance.

SEC. ___7. INSURANCE COVERAGE.

(a) PROPERTY AND LIABILITY INSURANCE.—

(1) IN GENERAL.—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section ___6.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to section ___8, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) NO REQUIREMENT TO USE STATE FUNDS.—Nothing in this title requires the State to use State funds to purchase insurance required under this subsection.

(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) PROJECT INSURANCE.—

(1) IN GENERAL.—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section ___6.

(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) STATE INSURANCE.—

(1) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. ___8. ENVIRONMENT AND PROJECT TRUST FUND.

(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) AMOUNTS.—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) EXPENDITURES FROM FUND.—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section ___7;

(5) payments for and other costs relating to liability described in section ___6; and

(6) closure of the Mine and laboratory.

(d) FEDERAL PAYMENTS FROM FUND.—The United States—

(1) to the extent the United States assumes liability under section ___6—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section ___6.

SEC. ___9. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this title; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. __10. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. __11. CONTINGENCY.

This title shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

SEC. __12. OBLIGATION IN THE EVENT OF NONCONVEYANCE.

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

SEC. __13. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section ___8(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

SEC. __14. CONSENT DECREES.

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90–5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).

SEC. __15. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting after ''September 30, 2003,'' the following: ''except that fees shall continue to be charged under paragraphs (1) through (8) of that subsection through January 31, 2004.''.

SEC. __16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 2460. Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes; as follows:

Strike section 6 and all that follows through the end of the matter proposed to be inserted by the House of Representatives, and insert the following:

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

''(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

''(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

''(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.''.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(C) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and

(2) by adding at the end the following:

''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section to section 503 of the Small Business Investment Act of 1958, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

SA 2461. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; as follows:

On page 2, after line 14, insert the following new section:

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554; 114 Stat. 2763A–242) is amended—

(1) by striking ''in equal parts through a reduction loan of $50,000,000'' and inserting ''through any combination of a reduction loan of up to $100,000,000''; and

(2) by striking ''and $50,000,000'' and inserting ''and up to $50,000,000''.

SA 2462. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1088, to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION MATTERS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Authority for accelerated payments of basic educational assistance under Montgomery GI Bill.
Sec. 103. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.
Sec. 104. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.
Sec. 105. Treatment of educational allowances paid to persons called to active duty for the national emergency of September 11, 2001.
Sec. 106. Increase in rates of survivors' and dependents' educational assistance.
Sec. 107. Eligibility for survivors' and dependents' educational assistance of spouses and surviving spouses of veterans with total service-connected disabilities.
Sec. 108. Inclusion of certain private technology entities in definition of educational institution.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam era veterans.
Sec. 202. Compensation for disabilities of Persian Gulf War veterans.
Sec. 203. Expansion of presumptions of permanent and total disability for veterans applying for nonservice-connected pension.
Sec. 204. Exclusion of certain additional income from determinations of annual income for pension purposes.
Sec. 205. Time limitation on receipt of claim information pursuant to request by Department of Veterans Affairs.
Sec. 206. Effective date of change in recurring income for pension purposes.
Sec. 207. Prohibition on provision of certain benefits with respect to veterans who are fugitive felons.
Sec. 208. Limitation on payment of compensation for veterans remaining incarcerated for felonies committed before October 7, 1980.
Sec. 209. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 210. Extension of limitation on pension for certain recipients of medicaid-covered nursing home care.

TITLE III—HOUSING MATTERS

Sec. 301. Increase in home loan guaranty amount for construction and purchase of homes.
Sec. 302. Four-year extension of Native American Veterans Housing Loan Program.
Sec. 303. Extension of other expiring authorities.

TITLE IV—BURIAL MATTERS

Sec. 401. Increase in burial and funeral expense benefit for veterans who die of service-connected disabilities.
Sec. 402. Authority to provide bronze grave markers for privately marked graves.

TITLE V—OTHER BENEFITS MATTERS

Sec. 501. Repeal of fiscal year limitation on number of veterans in programs of independent living services and assistance.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Temporary expansion of United States Court of Appeals for Veterans Claims to facilitate staggered terms of judges.

Sec. 602. Repeal of requirement for written notice regarding acceptance of reappointment as condition to retirement from United States Court of Appeals for Veterans Claims.

Sec. 603. Termination of notice of disagreement as jurisdictional requirement for United States Court of Appeals for Veterans Claims.

Sec. 604. Registration fees.

Sec. 605. Administrative authorities.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION MATTERS

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$650 (as increased from time to time under subsection (h))'' and inserting ''$700, for months beginning after September 30, 2001, but before September 30, 2002, $800 for months beginning after September 30, 2002, but before September 30, 2003, and $950 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,''; and

(2) in subsection (b)(1), by striking ''$528 (as increased from time to time under subsection (h))'' and inserting ''$569, for months beginning after September 30, 2001, but before September 30, 2002, $650 for months beginning after September 30, 2002, but before September 30, 2003, and $772 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after September 2001. However, no adjustment shall be made under section 3015(h) of title 38, United States Code, for fiscal year 2002, 2003, or 2004.

SEC. 102. AUTHORITY FOR ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 3014 is amended by adding at the end the following new subsection:

''(c)(1)(A) Notwithstanding any other provision of this chapter and subject to subparagraph (B), an individual entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance.

''(B) The Secretary may not make an accelerated payment under this subsection for a course to an individual who has received an advance payment under section 3014A or 3680(d) of this title for the same enrollment period.

''(2)(A) Pursuant to an election under paragraph (1), the Secretary shall make an accelerated payment to an individual for a course in a lump-sum amount equal to the lesser of—

''(i) the amount of the educational assistance allowance for the month, or fraction thereof, in which the course begins plus the educational assistance allowance for each of the succeeding four months; or

''(ii)(I) in the case of a course offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the course for the entire quarter, semester, or term; or

''(II) in the case of a course that is not offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the entire course.

''(B) In the case of an adjustment under section 3015(h) of this title in the monthly rate of basic educational assistance that occurs during a period for which an accelerated payment is made under this subsection, the Secretary shall pay—

''(i) on an accelerated basis the amount of the allowance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

''(ii) on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

''(3) For each accelerated payment made to an individual under this subsection, the individual's entitlement under this subchapter shall be charged at the same rate at which the entitlement would be charged if the individual had received a monthly educational assistance allowance for the period of educational pursuit covered by the accelerated payment.

''(4) The Secretary shall prescribe regulations to carry out this subsection. The regulations shall include the requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply with respect to courses of education beginning on or after that date.

SEC. 103. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—(1) Chapter 30 is amended by inserting after section 3014 the following new section:

''§ 3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry

''(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(b) An individual described in this subsection is an individual who is—

''(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

''(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

''(1) the individual's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the charge to the individual's entitlement to basic educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

''(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3014(c) or 3680(d) of this title for the same enrollment period.

''(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

''3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.''.

(b) RESTATEMENT AND ENHANCEMENT OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 is amended to read as follows:

''(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

''(A) Enrollment in a course or a program of education or training.

''(B) Pursuit of a course or program of education or training.

''(C) Attendance at a course or program of education and training.

''(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

''(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

''(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect eight months after the date of the enactment of this Act, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

SEC. 104. ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM ERA VETERANS.

(a) ACTIVE DUTY PROGRAM.—Section 3011(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

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

''(C) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

''(iii) after July 1, 1985, either—

''(I) serves at least three years of continuous active duty in the Armed Forces; or

''(II) is discharged or released from active duty (aa) for a service-connected disability, for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;''.

(b) SELECTED RESERVE PROGRAM.—Section 3012(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

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

''(C) as of December 31, 1989, is eligible for educational assistance under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

''(iii) after July 1, 1985—

''(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

''(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;''.

(c) TIME FOR USE OF ENTITLEMENT.—Section 3031 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the date of the enactment of this paragraph.''; and

(2) in subsection (e)(1), by striking ''section 3011(a)(1)(B) or 3012(a)(1)(B)'' and inserting ''section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C)''.

SEC. 105. TREATMENT OF EDUCATIONAL ALLOWANCES PAID TO PERSONS CALLED TO ACTIVE DUTY FOR THE NATIONAL EMERGENCY OF SEPTEMBER 11, 2001.

(a) MONTGOMERY GI BILL.—Section 3013(f)(2) is amended—

(1) in subparagraph (A), by inserting '', or in support of or response to the National Emergency declared by the Presidential Proclamation dated September 14, 2001,'' after ''Persian Gulf War''; and

(2) in subparagraph (B), by inserting ''or Presidential Proclamation'' after ''such War''.

(b) VEAP.—Section 3231(a)(5) is amended—

(1) in subparagraph (B)(i), by inserting '', or in support of or response to the National Emergency declared by the Presidential Proclamation dated September 14, 2001,'' after ''Persian Gulf War''; and

(2) in subparagraph (B)(ii), by inserting ''or Presidential Proclamation'' after ''such War''.

(c) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3511(a)(2)(B)(i) is amended by inserting '', or in support of or response to the National Emergency declared by the Presidential Proclamation dated September 14, 2001,'' after ''Persian Gulf War''.

SEC. 106. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3532(a)(1) is amended—

(1) by striking ''$588'' and inserting ''$690'';

(2) by striking ''$441'' and inserting ''$517''; and

(3) by striking ''$294'' and inserting ''$345''.

(b) TRAINING IN BUSINESS OR INDUSTRY.—Section 3532(b) is amended by striking ''$588'' and inserting ''$690''.

(c) CORRESPONDENCE COURSES.—Section 3534(b) is amended by striking ''$588'' and inserting ''$690''.

(d) SPECIAL RESTORATIVE TRAINING.—Section 3542 is amended by striking ''$588'' and inserting ''$690''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to educational assistance allowances payable under chapter 35 of title 38, United States Code, for months beginning on or after that date. No adjustment in amounts of educational assistance shall be made under section 3564 of title 38, United States Code, for fiscal year 2002.

SEC. 107. ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF SPOUSES AND SURVIVING SPOUSES OF VETERANS WITH TOTAL SERVICE-CONNECTED DISABILITIES.

(a) DESIGNATION OF ELIGIBILITY.—Section 3501(a)(1)(D) is amended—

(1) by inserting ''(i)'' after ''(D)''; and

(2) by inserting ''(ii)'' after ''or''.

(b) RESTATEMENT AND EXPANSION OF TREATMENT OF USE OF ELIGIBILITY.—(1) Section 3511 is amended by adding at the end the following new subsection:

''(c) Any entitlement used by an eligible person as a result of eligibility under section 3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be deducted from any entitlement to which such person may subsequently be entitled under this chapter.''.

(2) Section 3512 is amended by striking subsection (g).

(c) DELIMITING PERIOD.—(1) Section 3512(b) is amended—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1)(A) Except as provided in subparagraph (B), a person made eligible by subparagraph (B) or (D) of section 3501(a)(1) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was afforded educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

''(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

''(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

''(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.''; and

(B) by striking paragraph (3).

(2) The amendments made by paragraph (1) shall apply with respect to any determination (whether administrative or judicial) of the eligibility of a spouse or surviving spouse for educational assistance under chapter 35 of title 38, United States Code, made on or after the date of the enactment of this Act, whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance.

SEC. 108. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: ''Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain,

maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM ERA VETERANS.

(a) REPEAL OF 30-YEAR LIMITATION ON MANIFESTATION OF RESPIRATORY CANCERS.—Subsection (a)(2)(F) of section 1116 is amended by striking ''within 30 years'' and all that follows through ''May 7, 1975''.

(b) PRESUMPTION OF EXPOSURE TO HERBICIDE AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section 1116 is further amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f);

(B) in subsection (a), by redesignating paragraph (4) as paragraph (3); and

(C) in subsection (f), as transferred and redesignated by subparagraph (B) of this paragraph—

(i) by striking ''For the purposes of this subsection, a veteran'' and inserting ''For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran''; and

(ii) by striking ''and has a disease referred to in paragraph (1)(B) of this subsection''.

(2)(A) The section heading of that section is amended to read as follows:

''§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure''.

(B) The table of section at the beginning of chapter 11 is amended by striking the item relating to section 1116 and inserting the following new item:

''1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure.''.

(c) EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Subsection (e) of section 1116 is amended by striking ''10 years'' and inserting ''20 years''.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking ''10 years'' and inserting ''20 years''.

SEC. 202. COMPENSATION FOR DISABILITIES OF PERSIAN GULF WAR VETERANS.

(a) PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILLNESSES.—Section 1117 is amended—

(1) in subsection (a)(2), by striking ''within the presumptive period prescribed under subsection (b)'' and inserting ''before December 31, 2011, or such later date as the Secretary may prescribe by regulation'';

(2) by striking subsection (b); and

(3) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(b) ILLNESSES THAT CANNOT BE CLEARLY DEFINED.—Subsection (a) of that section is further amended by inserting ''or any poorly defined chronic multisymptom illness of unknown etiology, regardless of diagnosis, characterized by two or more of the signs or symptoms listed in subsection (f)'' after ''illnesses)''.

(c) SIGNS OR SYMPTOMS THAT MAY INDICATE UNDIAGNOSED ILLNESSES.—That section is further amended by adding at the end the following new subsection:

''(f) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the following:

''(1) Fatigue.

''(2) Unexplained rashes or other dermatological signs or symptoms.

''(3) Headache.

''(4) Muscle pain.

''(5) Joint pain.

''(6) Neurologic signs or symptoms.

''(7) Neuropsychological signs or symptoms.

''(8) Signs or symptoms involving the respiratory system (upper or lower).

''(9) Sleep disturbances.

''(10) Gastrointestinal signs or symptoms.

''(11) Cardiovascular signs or symptoms.

''(12) Abnormal weight loss.

''(13) Menstrual disorders.''.

(d) PRESUMPTION OF SERVICE CONNECTION PROGRAM.—Section 1118(a) is amended by adding at the end the following new paragraph:

''(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(f) of this title.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2002.

SEC. 203. EXPANSION OF PRESUMPTIONS OF PERMANENT AND TOTAL DISABILITY FOR VETERANS APPLYING FOR NON-SERVICE-CONNECTED PENSION.

(a) IN GENERAL.—Section 1502(a) is amended by striking ''such a person'' and all that follows through the end of the subsection and inserting the following: ''such a person—

''(1) is a patient in a nursing home for long-term care because of disability;

''(2) has been determined by the Social Security Administration to be disabled for purposes of any benefits administered by the Administration and the Administration, based on evidence available to the Administration, does not expect such person's condition to improve;

''(3) is at least 65 years old and, based on evidence available to the Secretary, has no current, recurring income from employment;

''(4) is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person; or

''(5) is suffering from—

''(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

''(B) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 10, 2001.

SEC. 204. EXCLUSION OF CERTAIN ADDITIONAL INCOME FROM DETERMINATIONS OF ANNUAL INCOME FOR PENSION PURPOSES.

(a) LIFE INSURANCE PROCEEDS.—Subsection (a) of section 1503 is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph (11):

''(11) proceeds (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) of any life insurance policy of a veteran; and''.

(b) OTHER NON-RECURRING INCOME.—That subsection is further amended by inserting after paragraph (11), as added by subsection (a)(3) of this section, the following new paragraph (12):

''(12) any other non-recurring income (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) from any source.''.

(c) EXCLUDABLE AMOUNTS OF LIFE INSURANCE PROCEEDS AND OTHER NON-RECURRING INCOME.—That section is further amended by adding at the end the following new subsection:

''(c) In prescribing amounts for purposes of paragraph (11) or (12) of subsection (a), the Secretary shall take into consideration the amount of income from insurance proceeds or other non-recurring income, as the case may be, that is reasonable for individuals eligible for pension to consume for their maintenance.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002, and shall apply with respect to determinations of annual income under section 1503 of title 38, United States Code, as so amended, on or after that date.

SEC. 205. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end the following new subsection:

''(c) TIME LIMITATION.—(1) If information that a claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking ''(a) REQUIRED INFORMATION AND EVIDENCE.—''; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 206. EFFECTIVE DATE OF CHANGE IN RECURRING INCOME FOR PENSION PURPOSES.

Section 5112(b)(4) is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) change in recurring income will be the last day of the calendar year in which the change occurred (with the pension rate for the following calendar year based on all anticipated countable income); and''.

SEC. 207. PROHIBITION ON PROVISION OF CERTAIN BENEFITS WITH RESPECT TO VETERANS WHO ARE FUGITIVE FELONS.

(a) PROHIBITION.—(1) Chapter 53 is amended by inserting after section 5313A the following new section:

''§ 5313B. Prohibition on providing certain benefits with respect to veterans who are fugitive felons

''(a) A veteran described in subsection (b), or dependent of the veteran, who is otherwise eligible for a benefit described in subsection (c) may not be paid or otherwise provided such benefit during any period in which the veteran is a fugitive as described in subsection (b).

''(b)(1) A veteran described in this subsection is a veteran who is a fugitive by reason of—

''(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the veteran flees; or

''(B) violating a condition of probation or parole imposed under Federal or State law.

''(2) For purposes of this subsection, the term 'felony' includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

''(c) A benefit described in this subsection is any benefit under the following:

''(1) Chapter 11 of this title.

''(2) Chapter 13 of this title.

''(3) Chapter 15 of this title.

''(4) Chapter 17 of this title.

''(5) Chapter 19 of this title.

''(6) Chapters 30, 31, 32, 34, and 35 of this title.

''(7) Chapter 37 of this title.

''(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a veteran who is eligible for a benefit described in subsection (c) if such official—

''(A) provides the Secretary such information as the Secretary may require to fully identify the veteran;

''(B) identifies the veteran as being a fugitive described in subsection (b); and

''(C) certifies to the Secretary that the location and apprehension of the veteran is within the official duties of such official.

''(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 5313A the following new item:

''5313B. Prohibition on providing certain benefits with respect to veterans who are fugitive felons.''.

(b) SENSE OF CONGRESS ON ENTRY INTO MEMORANDA OF UNDERSTANDING AND AGREEMENTS.—It is the sense of Congress that the memoranda of understanding and agreements referred to in section 5313B(d)(2) of title 38, United States Code (as added by subsection (a)), should be entered into as soon as practicable after the date of the enactment of this Act, but not later than six months after that date.

SEC. 208. LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED FOR FELONIES COMMITTED BEFORE OCTOBER 7, 1980.

(a) LIMITATION.—Notwithstanding any other provision of law, the payment of compensation to or with respect to a veteran described in subsection (b) shall, for the remainder of the period of incarceration of the veteran described in that subsection, be subject to the provisions of section 5313 of title 38, United States Code, other than subsection (d) of that section.

(b) COVERED VETERANS.—A veteran described in this subsection is any veteran entitled to compensation who—

(1) was incarcerated on October 7, 1980, for a felony committed before that date; and

(2) remains incarcerated for conviction of that felony after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, and shall apply with respect to the payment of compensation for months beginning on or after that date.

(d) COMPENSATION DEFINED.—For purposes of this section, the term ''compensation'' shall have the meaning given that term in section 5313 of title 38, United States Code.

SEC. 209. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

(a) REPEAL.—Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1114(r) is amended by striking ''section 5503(e)'' and inserting ''section 5503(c)''.

(2) Section 5112 is amended by striking subsection (c).

SEC. 210. EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.

Paragraph (7) of subsection (d) of section 5503, as redesignated by section 209(a)(2) of this Act, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

TITLE III—HOUSING MATTERS

SEC. 301. INCREASE IN HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES.

Section 3703(a)(1) is amended by striking ''$50,750'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''$63,175''.

SEC. 302. FOUR-YEAR EXTENSION OF NATIVE AMERICAN VETERANS HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2005''.

(b) ANNUAL REPORTS.—Section 3762(j) is amended by striking ''2002'' and inserting ''2006''.

SEC. 303. EXTENSION OF OTHER EXPIRING AUTHORITIES.

(a) HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.—Section 3702(a)(2)(E) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

(c) HOME LOAN FEE AUTHORITIES.—The table in section 3729(b)(2) is amended by striking ''October 1, 2008'' each place it appears and inserting ''October 1, 2011''.

(d) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2008'' and inserting ''October 1, 2011''.

TITLE IV—BURIAL MATTERS

SEC. 401. INCREASE IN BURIAL AND FUNERAL EXPENSE BENEFIT FOR VETERANS WHO DIE OF SERVICE-CONNECTED DISABILITIES.

(a) BURIAL AND FUNERAL EXPENSES.—Section 2307(1) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 402. AUTHORITY TO PROVIDE BRONZE GRAVE MARKERS FOR PRIVATELY MARKED GRAVES.

(a) AUTHORITY.—Section 2306 is amended by adding at the end the following new subsection:

''(f) In the case of the grave of an individual described in subsection (a) that has been marked by a privately-furnished headstone or marker, the Secretary may furnish, when requested, a bronze marker to commemorate the individual's military service. The bronze marker may be placed at the gravesite or at another location designated by the cemetery concerned as a location for the commemoration of the individual's military service.''.

(b) APPLICABILITY.—Subsection (f) of section 2306 of title 38, United States Code, as added by subsection (a) of this section, shall apply with respect to deaths as follows:

(1) Any death occurring on or after the date of the enactment of this Act.

(2) Any death occurring before that date, but after on or after November 1, 1990, if request is made to the Secretary of Veterans Affairs with respect to such death under such subsection (f) not later than four years after the date of the enactment of this Act.

(c) STYLISTIC AMENDMENT.—Subsection (c) of section 2306 is amended by striking ''of this section''.

TITLE V—OTHER BENEFITS MATTERS

SEC. 501. REPEAL OF FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

(a) REPEAL OF LIMITATION.—Section 3120(e) is amended by striking ''Programs'' and all that follows through ''such programs'' and inserting ''First priority in the provision of programs of independent living services and assistance under this section''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2001.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS TO FACILITATE STAGGERED TERMS OF JUDGES.

(a) IN GENERAL.—(1) Section 7253 is amended by adding at the end the following new subsection:

''(h) TEMPORARY EXPANSION OF COURT.—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court from the date of the enactment of this subsection until August 15, 2005, is nine judges.

''(2) Of the two additional judges authorized by this subsection—

''(A) only one judge may be appointed pursuant to a nomination made in 2001 or 2002;

''(B) only one judge may be appointed pursuant to a nomination made in 2003; and

''(C) if no judge is appointed pursuant to a nomination covered by subparagraph (A), a nomination covered by subparagraph (B), or neither a nomination covered by subparagraph (A) nor a nomination covered by subparagraph (B), the number of judges authorized by this subsection but not appointed as described in subparagraph (A), (B), or both, as the case may be, may be appointed pursuant to a nomination or nominations made in 2004, but only if such nomination or nominations, as the case may be, are made before September 30, 2004.

''(3) The term of office and eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), shall be governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

''(4) A judge of the Court as of the date of the enactment of this subsection who was appointed before 1991 may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section.''.

(2) No appointment may be made under section 7253 of title 38, United States Code, as amended by paragraph (1), if the appointment would provide for a number of judges in excess of seven judges (other than judges serving in recall status under section 7257 of title 38, United States Code) who were appointed to the United States Court of Appeals for Veterans Claims after January 1, 1997.

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting ''APPOINTMENT.—'' before ''The judges'';

(2) in subsection (c), by inserting ''TERM OF OFFICE.—'' before ''The terms'';

(3) in subsection (f), by striking ''(f)(1)'' and inserting ''(f) REMOVAL.—(1)''; and

(4) in subsection (g), by inserting ''RULES.—'' before ''The Court''.

SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7296(b)(2) is amended by striking the second sentence.

SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TERMINATION.—Section 402 of the Veterans' Judicial Review Act (division A of Public

Law 100–687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans' Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to—

(1) any appeal filed with the United States Court of Appeals for Veterans Claims on or after the date of the enactment of this Act; and

(2) any appeal pending before the Court on that date, other than an appeal in which the Court has made a final disposition under section 7267 of title 38, United States Code, even though such appeal is not yet final under section 7291(a) of title 38, United States Code.

SEC. 604. REGISTRATION FEES.

(a) REGISTRATION FEES FOR PARTICIPATION IN OTHER COURT-SPONSORED ACTIVITIES.—Subsection (a) of section 7285 is amended to read as follows:

''(a) The Count of Appeals for Veterans Claims may impose registration fees as follows:

''(1) Periodic registration fees on persons admitted to practice before the Court, in such frequency and amount (not to exceed $30 per year) as the Court may provide.

''(2) Registration fees on persons (other than judges of the Court) participating at judicial conferences convened pursuant to section 7286 of this title, and at other Court-sponsored activities.''.

(b) AVAILABILITY OF REGISTRATION FEES.—Subsection (b) of that section is amended—

(1) in paragraph (1), by striking ''employing independent counsel'' and inserting ''conducting investigations and proceedings, including the employment of independent counsel,''; and

(2) in paragraph (2), by striking ''administrative costs for the implementation of the standards of proficiency prescribed for practice before the Court'' and inserting ''the expenses of judicial conferences convened pursuant to section 7286 of this title, and of other Court-sponsored activities covered by paragraph (2) of that subsection, and the expenses of other activities and programs of the Court intended to support and foster communications and relationships between the Court and persons practicing before the Court, or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 7285 is amended to read as follows:

''§ 7285. Registration fees''.

(2) The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7285 and inserting the following new item:

''7285. Registration fees.''.

SEC. 605. ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by inserting after section 7286 the following new section:

''§ 7287. Administration

''Notwithstanding any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds of the Court, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision of law) applicable to a court of the United States (as that term is defined in section 451 of title 28), except to the extent that such provision of law is inconsistent with a provision of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7286 the following new item:

''7287. Administration.''

SA 2463. Mr. REID (for Mr. ROCKFELLER) proposed an amendment to the bill H.R. 1291, to amend title 38, United States Code, to modify and improve authorities relating to education benefits, burial benefits, and vocational rehabilitation benefits for veterans to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes; as follows:

Amend the title so as the read: ''A Bill to amend title 38, United State Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

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 Friday, December 7, 2001, at 9:30 a.m., on the nomination of Sean O'Keefe to be NASA Administrator.

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

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent that my military fellow, Steve Tryon, be granted the privilege of the floor during the Senate's consideration of the Defense Appropriations Act.

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

Mr. CARPER. Mr. President, I ask unanimous consent that Pat Jones, a legislative fellow who serves on my staff, be granted floor privileges during the deliberation of this bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Jeff Freeman, a Fellow serving in Senator COCHRAN's office, and Stewart Holmes, a staff member of Senator COCHRAN, be granted the privilege of the floor during the duration of the consideration of the fiscal year 2002 Defense appropriations bill.

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

Mr. MILLER. Mr. President, I ask unanimous consent that Stephen Kay, a legislative fellow in my office, be granted floor privileges.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 606, 608 to and including 615, and all nominations on the Secretary's desk in the Army and Navy; further, that the HELP Committee be discharged from further consideration of the following nominations: Tammy Dee McCutchen, to be Administrator of the Wage and Hour Division of the Department of Labor, and the list of Public Health nominations beginning with Ketty Gonzalez and ending with Amanda Stoddard. I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Peter B. Teets, of Maryland, to be Under Secretary of the Air Force.

AIR FORCE

The following named officers for appointment in the Regular Air Force of the United States to the positions and grade indicated under title 10, U.S.C. section 8307:

To be the judge advocate general of the United States Air Force

Maj. Gen. Thomas J. Fiscus, 5444.

To be major general and to be the deputy judge advocate general of the United States Air Force

Brig. Gen. Jack L. Rives, 0540.

ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bruce H. Barlow, 0873.

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Keith B. Alexander, 9763.
Brigadier General Eldon A. Bargewell, 6135.
Brigadier General David W. Barno, 9794.
Brigadier General John R. Batiste, 9665.
Brigadier General Peter W. Chiarelli, 6598.
Brigadier General Claude V. Christianson, 1982.
Brigadier General Robert T. Dail, 5056.
Brigadier General Paul D. Eaton, 1993.
Brigadier General Karl W. Eikenberry, 5198.
Brigadier General Robert H. Griffin, 5619.
Brigadier General John W. Holly, 6285.
Brigadier General David H. Huntoon, Jr., 1919.
Brigadier General James C. Hylton, 8014.
Brigadier General Gene M. LaCoste, 2941.
Brigadier General Dee A. McWilliams, 1427.
Brigadier General Raymond T. Odierno, 8425.
Brigadier General Virgil L. Packett, II, 9367.
Brigadier General Joseph F. Peterson, 2747.
Brigadier General David H. Petraeus, 1960.
Brigadier General Marilyn A. Quagliotti, 8480.
Brigadier General Michael D. Rochelle, 4381.
Brigadier General Donald J. Ryder, 5451.
Brigadier General Henry W. Stratman, 1226.
Brigadier General Joe G. Taylor, Jr., 0884.
Brigadier General N. Ross Thompson, III, 5240.
Brigadier General James D. Thurman, 8182.
Brigadier General Thomas R. Turner, II, 7116.
Brigadier General Michael A. Vane, 9890.

Brigadier General William G. Webster, Jr., 9468.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

To be rear admiral

Rear Adm. (lh) Anthony W. Lengerich, 9020.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard B. Porterfield, 3989.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Stephen A. Turcotte, 3628.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) David Architzel, 0731.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice Admiral

Vice Adm. Charles W. Moore, Jr., 5696.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN1242 Army nominations (655) beginning VERN J ABDOO, and ending DOUGLAS K ZIMMERMAN, II, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2001

PN1243 Navy nominations of John B. Stockel, which was received by the Senate and appeared in the Congressional Record of November 27, 2001

PN1244 Navy nominations of Philip F. Stanley, which was received by the Senate and appeared in the Congressional Record of November 27, 2001

NOMINATIONS DISCHARGED

DEPARMENT OF LABOR

Tammy Dee McCutchen, of Illinois, to be Administrator of the Wage and Hour Division, Department of Labor.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Ketty M. Gonzalez and ending Amanda D. Stoddard, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2001.

To be medical director

Ketty M. Gonzalez.
Gunta I. Obrams.

To be senior surgeon

Vito M. Caserta.
Olga Grajales.
Mary L. Kamb.
Dawn L. Wyllie.

To be surgeon

Andrew Biauvelt.
Michael J. Boquard.
J Russell Bowman.
Monica E. Parise.
Lisa G. Rider.
Abigail M. Shefer.
Darrell P. Stone.

To be senior assistant surgeon

Dahna L. Batts-Osborne.
Stephen M. Hewitt.
James F. Lando.
John T. Ning.
Alexander K. Rowe.
Stephen M. Rudd.
Seymour G. Williams.

To be senior dental surgeon

Michael L. Campsmith.
A. Isabel Garcia.

To be dental surgeon

Ronald E. Bajuscak.
Tania M. Macias.
Wilnetta A. Sweeting.
Michael P. Winkler.

To be senior assistant dental surgeon

Dawn A. Breeden.
Katherine T. Cotton.
Bryan S. Dawson.
Stanley K. Gordon.
Maria-Paz U. Smith.
Valerie D. Wilson.

To be senior nurse officer

Robert E. Eaton.
Mary I. Lambert.
Susanne R. Rohrer.
Marjorie Lynn Witman.

To be nurse officer

Eileen D. Bonneau.
Ruth M. Coleman.
Terri L. Dodds.
Susan D. Hillis.
Barbara W. Kilbourne.
Gwethlyn J. Sabatinos.
Amanda S. Waugaman.

To be senior assistant nurse officer

Thomas C. Arminio.
Deborah M. Carter.
Charles D. Duke Jr.
Keyla E. Gammarano.
Mary C. Karlson.
Julie D. King.
Kimberly M. Mock.
Lisa S. Penix.
Laverne Puckett.
Keysha L. Ross.
Michael R. Sanchez.
Jeanne D. Shaffer.
Steven M. Wacha.

To be assistant nurse officer

Benjamin F. Brown Jr.
Serina A. Hunter.
Patricia K. Mitchell.
Todd A. Ridge.
William Ruiz-Colon.
Tonia L. Sawyer.
Thomas R. Stanley.
Robbie K. Taylor.

To be engineer officer

Kevin B. Milne.

To be senior assistant engineer officer

Donald C. Antrobus.
Mark A. Calkins.
Edward A. Cayous.
Tracy D. Gilchrist.
Steven M. McGovern.
Dale M. Mossefin.
Jeffrey S. Reynolds.
Hilda F. Scharen-Guivel.
Jerry A. Smith.
Michael A. Stover.
Darrall F. Tillock.
Mary M. Weber.

To be scientist director

Victor Krauthamer.

To be senior scientist

Young H. Lee.
H. Edward Murray.

To be scientist

Kate M. Brett.
Angela M. Gonzalez.
O'Neal A. Walker.

To be senior assistant scientist

Nelson Adekoya.
Mehran S. Massoudi.
Darin J. Weber.

To be sanitarian

Matthew E. Taylor.
Daniel C. Weaver.

To be assistant therapist

Corey S. Dahl.

To be senior health services officer

Ilze L. Ruditis.

To be health services officer

Steven M. Glover.
Darlene A. Harris.
Carmencita T. Palma.
Julia A. Stokes.

To be senior assistant health services officer

Sherlene Bailey.
Kathy L. Balasko.
Marinna A. Banks.
Jose H. Belardo.
Julie Wofford Black.
Dawn M. Clary.
Sandra L. Ferguson.
Kathleen D. Heiden.
Mary C. Hollister.
David W. Keene.
Scott A. Middlekauff.
Godwin O. Odia.
Elizabeth A. Pierce.
Brian E. Richmond.
Renee S. Roberson.
Lisa D. Starnes.
Scott W. Tobias.
Gilbert E. Varney Jr.
Kimberly A. Walker.

To be assistant health services officer

Parmjeet S. Saini.
Amanda D. Stoddard.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 1196.

The Presiding Officer laid before the Senate a message from the House as follows:

Resolved, That the bill from the Senate (S. 1196) entitled ''An Act to amend the Small Business Investment Act of 1958, and for other purposes,'' do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Investment Company Amendments Act of 2001''.

SEC. 2. SUBSIDY FEES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''; and

(2) in subsection (g)(2)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking ''(including disclosure in the locality most directly affected by the transaction)''.

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting '', as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act'' after ''small business investment company''.

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2)—

(i) by striking ''1341;'' and inserting ''1341''; and

(ii) by striking ''institution.'' and inserting ''institution; or'';

(C) by inserting immediately after paragraph (2) the following:

''(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a)).''; and

(D) by striking ''This section shall'' and inserting the following:

''(d) EFFECTIVE DATE.—This section shall''.

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

"SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

''(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'management official' means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a licensee.

''(b) REMOVAL OF MANAGEMENT OFFICIALS.—

''(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

''(A) such management official—

''(i) has willfully and knowingly committed any substantial violation of—

''(I) this Act;

''(II) any regulation issued under this Act; or

''(III) a cease-and-desist order which has become final; or

''(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

''(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

''(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

''(3) HEARINGS.—

''(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

''(i) the management official, and for good cause shown; or

''(ii) the Attorney General of the United States.

''(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

''(4) ISSUANCE OF ORDER OF REMOVAL.—

''(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

''(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

''(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

''(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

''(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

''(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

''(A) shall become effective upon service of notice under paragraph (1); and

''(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

''(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

''(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

''(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1), that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

''(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

''(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

''(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

''(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

''(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

''(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

''(1) HEARING VENUE.—Any hearing provided for in this section shall be—

''(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

''(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

''(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

''(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

''(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

''(B) upon such filing of the record, with permission of the court.

''(4) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

''(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

''(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

''(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

''(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the

order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

''(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

''(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

''(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.''.

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

''(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $250,000.

''(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $250,000.''.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(C) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and

(2) by adding at the end the following:

''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is at the desk; that the amendment be agreed to and the motion to reconsider be laid on the table, with no intervening action.

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

The amendment (No. 2460) was agreed to, as follows:

Strike section 6 and all that follows through the end of the matter proposed to be inserted by the House of Representatives, and insert the following:

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

''(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

''(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

''(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.''.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(C) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and

(2) by adding at the end the following:

''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section to section 503 of the Small Business Investment Act of 1958, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

Mr. KERRY. Mr. President, I want to say a few words about S. 1196, the Small Business Investment Company, SBIC, Amendments Act of 2001.

For those who don't know, the SBIC program is a very successful partnership between the SBA and private venture capital firms. It has accounted for about half of all venture capital deals done in the country over the past few years, and it has helped finance some of America's companies that are now house-hold names—Federal Express, Intel, Outback Steakhouse, America Online, Callaway Golf, and Massachusetts' own Staples.

The main purpose of this act is to adjust the fees charged to Participating Security SBICs from 1 percent to 1.38 percent. The change is necessary because, at the President's request, all funding for this program was eliminated. I disagree with that. I preferred to show fiscal responsibility by level funding the program and then increasing the fees only as much as necessary to raise the program level from $2 billion to $3.5 billion. Consistent with that opinion, as my colleagues may remember, Senator BOND and I offered an amendment to the Budget Resolution, Amendment No. 183, that did just that. It was agreed to in the Senate by voice vote in April and retained in the final budget resolution. Unfortunately, the appropriators had very tough decisions to make and the funding agreed to in our budget amendment was not included in the appropriations process. Despite my disagreement, I am supporting S. 1196 because if we want to continue this program, it must be funded entirely through fees, which forces us to authorize the fee change.

For the record, let me state that the National Association of Small Business Investment Companies testified before both the Senate and House Committees on Small Business in favor of increasing the program level from $2 billion to $3.5 billion and raising the fees to make that level possible. As I just explained, this legislation makes that possible.

This bill also includes modifications to the program in order to strengthen the oversight and authority of the SBA to take action against bad actors, to protect the integrity of the SBIC program, and to streamline operations.

With this bill, I am offering an amendment, cosponsored by Senator BOND, to reinforce our efforts to keep the economy strong. The amendment strikes section six, which my colleagues in the House included when they deliberated and voted on this bill, and replaces it with similar language which accommodates changes requested by the Administration. Specifically, starting in FY2003, it reduces for two years the fees for the Small Business Administration's 7(a) and 504 loan guarantee programs in order to make these loans more affordable for borrowers to access capital and lenders to

make. In reducing the fees, it gives the largest reduction to the smallest small business borrowers, those who take out loans of less than $150,000. It also provides fee relief for small business borrowers who need working capital for medium-sized loans, those in amounts of between $150,000 and $700,000.

The 7(a) program is one of the SBA's most popular and successful small business credit programs. In FY2000, 43,748 small businesses were approved for 7(a) loans, which added up to $9.3 billion. Of those billions, 31 percent went to minority business owners, 11 percent went to veteran business owners, and 16 percent went to women business owners. These loans would not have been made but for the SBA; in order to get an SBA loan, borrowers must demonstrate that they are unable to get comparable credit, at comparable rates, from an area lender. Year after year, as this program has generated billions of dollars in small business development, fueled job creation and generated tax revenue, its default rates by cohort have dropped sharply since 1990 from more than 6 percent to less than 2 percent. Not only have these loans contributed to the economy, but the program has largely paid for itself. From fiscal years 1992 through 1998, Congress appropriated close to $1.4 billion to run the program, and the lenders and borrowers paid $1.3 billion more than necessary in fees to participate in the program.

The track record of the 504 program is equally impressive, and they too have overpaid because the SBA and OMB have over-estimated the cost of providing these loans. Reducing fees will help encourage lending at a time when surveys from the Federal Reserve have found that anywhere from 35 to 45 percent of banks have tightened credit to small businesses, making it harder and more expensive to get loans.

Originally, my amendment also included a provision to require the SBA to give new markets venture capital companies two years to raise their matching capital. Even though we had legislated in the 106th Congress to give them two years, and Senator HOLLINGS and Senator GREGG reinforced this by making the relevant matching capital available until expended as part of supplemental funding to the FY2001 Commerce, Justice, State appropriations bill, the Small Business Administration required the approved new markets venture capital companies to raise their money first in six months, and later proposed extending the period to one year. The declining economy, particularly in the aftermath of September 11, has made raising capital even more difficult. Consequently, these companies need more time than one year. Here is what Dr. Julia Sass Rubin, a community development venture capital expert from the Harvard Business School, has explained about the nature of raising funds these days: ''This task of raising capital for a new fund is particularly challenging during an economic slowdown, when the sources of funds for any kind of venture capital become more difficult to access. Additionally, with the dramatic recent slowdown in initial public offerings, even traditional venture capitalists are having a very difficult time raising money. It is simply not practical to expect a new CDVC fund to capitalize within one year.''

I am very happy to report that we were able to work out a compromise with the Small Business Administration to give these companies to year and half to raise their capital. It's not the full two years, but I am hopeful that the new markets venture capital companies can raise their capital in the that time. The Administration has also recommitted to offering a second round of funding starting in the August/September time frame of 2002.

Let me quickly explain a bit about this innovative venture capital initiative. The new markets venture capital initiative is modeled after the SBA's very successful SBIC program, which I talked about earlier. However, unlike the SBIC program which makes larger deals, new markets venture capital companies target smaller investments to the development of high-growth small businesses in our country's poorest urban and rural areas. They tie those investments to the creation of local jobs with livable wages and benefits for individuals who historically have no opportunities for employment or who are the working poor. One excellent example of such a company is City Fresh Foods in Dorchester, Massachusetts. They run a smart business, providing a needed service to the elderly in their community by producing and distributing meals for the Meals-on-Wheels program. They hire from the community, and they provide good jobs with sustainable wages. The SBA's new markets venture capital investments, if given a real chance to work, could help develop more companies like City Fresh Foods.

I ask my colleagues to support this bill, and ask my colleagues in the House to pass this bill as soon as possible.

I thank Senator BOND for his work on this legislation.

Mr. BOND. Mr. President, I rise today to urge my colleagues in the Senate to support passage of the Small Business Investment Company Amendments Act of 2001, S. 1196 and an amendment being offered by Senator JOHN KERRY, which I strongly support. Time is of the essence since a critical component of the Small Business Investment Company, SBIC, Program was shut down on November 28, 2001, when the Commerce Justice State appropriations bill became law, while the bill modifying the annual fees paid by the Participating Securities SBICs had not been enacted. Once S. 1196 becomes law, it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

When the Committee on Small Business and Entrepreneurship unanimously approved S. 1196 on July 19, 2001, the Committee adopted a fee increase from 1.0 percent to 1.28 percent. At that time, some members of the committee believed they could obtain an appropriation for the SBIC Participating Securities Program that would offset part of the fee increase. The final version of the Fiscal Year 2002 Commerce Justice State appropriations bill did not include any funds for the SBIC program. Consequently, it is critical that legislation be enacted increasing the program fee to 1.38 percent. So long as the fee is not increased, the SBIC Participating Securities will remain shut down as required by the Federal Credit Reform Act of 1990.

Last month, on November 15, the Senate unanimously passed S. 1196, after approving a managers' amendment increasing the annual fee to 1.38 percent. When the House of Representatives considered the bill, it included an amendment that changed the fee structure for two other credit programs at the Small Business Administration, SBA: the 7(a) Guaranteed Business Loan Program and the 504 Development Company Program. Today, Senator KERRY and I are offering an amendment to S. 1196 that makes minor modifications to the House-passed amendment on the 7(a) and 504 loan programs.

There has been a significant growth in the small business sector of the U.S. economy over the past two decades. Today, small businesses make up over one-half of the entire U.S. economy. Over 99 percent of all employers in the United States are small businesses. They employ over 50 percent of workers and provide 75 percent of the net new jobs each year. Small businesses generate 51 percent of the Nation's private sector output. In light of the ongoing dip in the U.S. economy with the accompanying retrenchment by many businesses, both large and small, S. 1196 will serve as part of the solution to move us toward a recovery.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000—$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage.

The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufacturers utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The ''Small Business Investment Company Amendments Act of 2001,'' as amended, would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.38 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958 ('58 Act) that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is $3.5 billion, a significant increase over the FY 2001 program level of $2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. The fee increase included in the bill, 1.38 percent, will allow the program to operate at its authorized level—$3.5 billion—an amount needed to help support small businesses as they help lead our country to an economic recovery.

The Small Business Investment Company Amendments Act of 2001 would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend title 12 and title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend section 313 of the '58 Act to permit the SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the act, a cease-and-desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by section 313 to be ''management official,'' which includes officers, directors, general partners, managers, employees, agents or other participants in the management or conduct of the SBIC. At the time section 313 of the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies, LLCs, and this amendment would take into account those organizations.

The Kerry-Bond amendment would reduce the fees paid by the participants in two SBA programs: the 7(a) guaranteed business loan program (7(a) program) and the 504 Development Company program (504 program). The need for this legislation to reduce fees has been growing in recent years. The issues surrounding the fees paid by small business borrowers and the banks came to a head earlier this year, when the General Accounting Office determined that the Federal government had collected over $950 million in excess fees paid by the borrowers and lenders and taxpayers' funds appropriated by the Congress. The driving force behind this amendment is to adjust the fees paid by small business borrowers and lenders to reflect more accurately their appropriate share of the cost of the program.

On May 4, 2001, Senator KERRY, Mr. MANZULLO, Ms. VELÁZQUEZ, and I asked the Comptroller General to undertake an in-depth analysis of the SBA's 7(a) credit subsidy rate calculations. Specifically, we asked the GAO to assess the level of difference between the projected cost of the 7(a) program's financing account, or loan loss reserve, and the actual cost. This calculation is required by the Federal Credit Reform Act of 1990. The purpose of the credit subsidy rate is to determine the amount of funds that should be appropriated each year to cover expected losses when the Federal government guarantees 7(a) loans.

What the GAO uncovered confirmed our worst concerns. The GAO pointed out that defaults and recoveries are key variables in the calculation of the 7(a) credit subsidy rate. Since FY 1992, the first year under the rules of the Federal Credit Reform Act, defaults and recoveries were significantly overestimated by the SBA and OMB. Defaults have been overestimated by nearly $2 billion and recoveries by $450 billion. What the overestimates mean in real costs is that the Federal government collected significantly more money than needed to fund its loss reserve accounts. Specifically, the Federal government collected over $950 million in excess fees paid by borrowers and lenders and by taxpayers' funds appropriated by Congress.

My shade tree analysis leads me to believe that small business borrowers, banks and taxpayers have been and continue to be overcharged for the 7(a) program. First, it is clear that they are paying too much because each year the SBA and OMB overestimated the default rate for the 7(a) program. Second, if a more accurate default rate were adopted, the credit subsidy rate could be reduced. Third, a lower credit subsidy rate could mean lower fees paid by small business borrowers. And fourth, the 7(a) loan program could expand to meet the demands of small businesses without requiring a larger appropriation.

Mr. President, time is of the essence. We need to act promptly and pass the Small Business Investment Company Act of 2001 today, so that the House of Representatives has time to act before the Congress adjourns in the coming weeks.

AUTHORIZATION FOR PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 90, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 90) authorizing the printing of a revised and updated version of the House document entitled ''Hispanic Americans in Congress.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the concurrent resolution be printed in the RECORD, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 90) was agreed to.

AUTHORIZATION FOR PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 244 and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 244) authorizing the printing of a revised edition of the publication entitled ''Our Flag.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 244) was agreed to.

CONNECTICUT RIVER ATLANTIC SALMON COMPACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 151, S. 703.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 703) to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Stevens amendment, which is at the desk, be agreed to and that no other amendments be in order, that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2461) was agreed to, as follows:

(Purpose: To amend the method for financing the fishing capacity reduction program required under the Miscellaneous Appropriations Act, 2001)

On page 2, after line 14, insert the following new section:

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554; 114 Stat. 27663A–242) is amended—

(1) by striking ''in equal parts through a reduction loan of $50,000,000'' and inserting ''through any combination of a reduction loan of up to $100,000,000''; and

(2) by striking ''and $50,000,000'' and inserting ''and up to $50,000,000''.

The bill (S. 703), as amended, was read the third time and passed, as follows:

S. 703

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

SECTION 1. CONNECTICUT RIVER ATLANTIC SALMON COMPACT.

(a) EFFECTIVE PERIOD OF CONGRESSIONAL CONSENT.—Section 3(2) of Public Law 98–138 (97 Stat. 870) is amended by striking ''twenty years'' and inserting ''40 years''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Public Law 98–138 (97 Stat. 866) is amended by adding at the end the following:

''SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary of the Interior to carry out the activities of the Connecticut River Atlantic Salmon Commission $9,000,000 for each of fiscal years 2002 through 2010.''.

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554; 114 Stat. 2763A–242) is amended—

(1) by striking ''in equal parts through a reduction loan of $50,000,000'' and inserting ''through any combination of a reduction loan of up to $100,000,000''; and

(2) by striking ''and $50,000,000'' and inserting ''and up to $50,000,000''.

DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1230, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1230) to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table without any intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 1230) was read the third time and passed.

TANF SUPPLEMENTAL GRANTS ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 216, S. 942.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 942) to authorize the supplemental grant for population increases in certain States under the temporary assistance to needy families program for fiscal year 2002.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''TANF Supplemental Grants Act of 2001''.

SEC. 2. REAUTHORIZATION OF TANF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES FOR FISCAL YEAR 2002.

Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended by adding at the end the following:

''(H) REAUTHORIZATION OF GRANTS FOR FISCAL YEAR 2002.—Notwithstanding any other provision of this paragraph—

''(i) any State that was a qualifying State under this paragraph for fiscal year 2001 or any prior fiscal year shall be entitled to receive from the Secretary for fiscal year 2002 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year in which the State was a qualifying State;

''(ii) subparagraph (G) shall be applied as if '2002' were substituted for '2001'; and

''(iii) out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2002 such sums as are necessary for grants under this subparagraph.''.

SEC. 3. FISCAL YEAR 2002 TANF PAYMENTS.

Notwithstanding any other provision of law, any payment under section 403 of the Social Security Act (42 U.S.C. 603) that would otherwise be sent to a State on September 30, 2002, by the Secretary of the Treasury shall be sent on October 1, 2002.

SEC. 4. TANF BONUSES FOR HIGH PERFORMANCE STATES.

(a) RESCISSION.—Effective upon the date of enactment of this Act or October 1, 2001, whichever is later, $319,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

(b) APPROPRIATION.—Effective October 1, 2002, out of any money in the Treasury of the United

States not otherwise appropriated, there is appropriated $319,000,000 for bonus grants under section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)). Amounts appropriated under this subsection shall be in addition to amounts appropriated under subparagraph (F) of section 403(a)(4) of such Act (42 U.S.C. 603(a)(4)).

Mr. REID. I ask unanimous consent that the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 942), as amended, was read the third time and passed.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2001

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1088.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1088) to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION MATTERS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Authority for accelerated payments of basic educational assistance under Montgomery GI Bill.
Sec. 103. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.
Sec. 104. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.
Sec. 105. Inclusion of certain private technology entities in definition of educational institution.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam era veterans.
Sec. 202. Compensation for disabilities of Persian Gulf War veterans.
Sec. 203. Exclusion of certain additional income from determinations of annual income for pension purposes.
Sec. 204. Time limitation on receipt of claim information pursuant to request by Department of Veterans Affairs.
Sec. 205. Effective date of change in recurring income for pension purposes.
Sec. 206. Prohibition on provision of certain benefits with respect to veterans who are fugitive felons.
Sec. 207. Limitation on payment of compensation for veterans remaining incarcerated for felonies committed before October 7, 1980.
Sec. 208. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 209. Extension of certain expiring authorities.

TITLE III—HOUSING MATTERS

Sec. 301. Increase in home loan guaranty amount for construction and purchase of homes.
Sec. 302. Four-year extension of Native American Veterans Housing Loan Program.
Sec. 303. Extension of other expiring authorities.

TITLE IV—BURIAL MATTERS

Sec. 401. Increase in burial and funeral expense benefit for veterans who die of service-connected disabilities.
Sec. 402. Authority to provide bronze grave markers for privately marked graves.

TITLE V—OTHER BENEFITS MATTERS

Sec. 501. Repeal of fiscal year limitation on number of veterans in programs of independent living services and assistance.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Temporary expansion of United States Court of Appeals for Veterans Claims to facilitate staggered terms of judges.
Sec. 602. Repeal of requirement for written notice regarding acceptance of reappointment as condition to retirement from United States Court of Appeals for Veterans Claims.
Sec. 603. Termination of notice of disagreement as jurisdictional requirement for United States Court of Appeals for Veterans Claims.
Sec. 604. Registration fees.
Sec. 605. Administrative authorities.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION MATTERS

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$650 (as increased from time to time under subsection (h))'' and inserting ''$700, for months beginning after September 30, 2001, but before September 30, 2002, $800 for months beginning after September 30, 2002, but before September 30, 2003, and $950 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,''; and

(2) in subsection (b)(1), by striking ''$528 (as increased from time to time under subsection (h))'' and inserting ''$569, for months beginning after September 30, 2001, but before September 30, 2002, $650 for months beginning after September 30, 2002, but before September 30, 2003, and $772 for months beginning after September 30, 2003, but before September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after September 2001. However, no adjustment shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2002, 2003, or 2004.

SEC. 102. AUTHORITY FOR ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 3014 is amended by adding at the end the following new subsection:

''(c)(1)(A) Notwithstanding any other provision of this chapter and subject to subparagraph (B), an individual entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance.

''(B) The Secretary may not make an accelerated payment under this subsection for a course to an individual who has received an advance payment under section 3014A or 3680(d) of this title for the same enrollment period.

''(2)(A) Pursuant to an election under paragraph (1), the Secretary shall make an accelerated payment to an individual for a course in a lump-sum amount equal to the lesser of—

''(i) the amount of the educational assistance allowance for the month, or fraction thereof, in which the course begins plus the educational assistance allowance for each of the succeeding four months; or

''(ii)(I) in the case of a course offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the course for the entire quarter, semester, or term; or

''(II) in the case of a course that is not offered on a quarter, semester, or term basis, the amount of aggregate monthly educational assistance allowance otherwise payable under this subchapter for the entire course.

''(B) In the case of an adjustment under section 3015(h) of this title in the monthly rate of basic educational assistance that occurs during a period for which an accelerated payment is made under this subsection, the Secretary shall pay—

''(i) on an accelerated basis the amount of the allowance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

''(ii) on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

''(3) For each accelerated payment made to an individual under this subsection, the individual's entitlement under this subchapter shall be charged at the same rate at which the entitlement would be charged if the individual had received a monthly educational assistance allowance for the period of educational pursuit covered by the accelerated payment.

''(4) The Secretary shall prescribe regulations to carry out this subsection. The regulations shall include the requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply with respect to courses of education beginning on or after that date.

SEC. 103. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—(1) Chapter 30 is amended by inserting after section 3014 the following new section:

''§3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry

''(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(b) An individual described in this subsection is an individual who is—

''(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

''(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

''(1) the individual's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the charge to the individual's entitlement to basic educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

''(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3014(c) or 3680(d) of this title for the same enrollment period.

''(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

''3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.''.

(b) RESTATEMENT AND ENHANCEMENT OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 is amended to read as follows:

''(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

''(A) Enrollment in a course or a program of education or training.

''(B) Pursuit of a course or program of education or training.

''(C) Attendance at a course or program of education and training.

''(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

''(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

''(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect eight months after the date of the enactment of this Act, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

SEC. 104. ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM ERA VETERANS.

(a) ACTIVE DUTY PROGRAM.—Section 3011(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

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

''(C) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

''(iii) after July 1, 1985, either—

''(I) serves at least three years of continuous active duty in the Armed Forces; or

''(II) is discharged or released from active duty (aa) for a service-connected disability, for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;''.

(b) SELECTED RESERVE PROGRAM.—Section 3012(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

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

''(C) as of December 31, 1989, is eligible for educational assistance under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty after the date specified in clause (i); and

''(iii) after July 1, 1985—

''(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

''(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;''.

(c) TIME FOR USE OF ENTITLEMENT.—Section 3031 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the date of the enactment of this paragraph.''; and

(2) in subsection (e)(1), by striking ''section 3011(a)(1)(B) or 3012(a)(1)(B)'' and inserting ''section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C)''.

SEC. 105. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: ''Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement

with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM ERA VETERANS.

(a) PRESUMPTION OF EXPOSURE TO HERBICIDE AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section 1116 is amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f);

(B) in subsection (a), by redesignating paragraph (4) as paragraph (3); and

(C) in subsection (f), as transferred and redesignated by subparagraph (B) of this paragraph—

(i) by striking ''For the purposes of this subsection, a veteran'' and inserting ''For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran''; and

(ii) by striking ''and has a disease referred to in paragraph (1)(B) of this subsection''.

(2)(A) The section heading of that section is amended to read as follows:

''§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure''.

(B) The table of section at the beginning of chapter 11 is amended by striking the item relating to section 1116 and inserting the following new item:

''1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure.''.

(b) EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Subsection (e) of section 1116 is amended by striking ''10 years'' and inserting ''20 years''.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking ''10 years'' and inserting ''20 years''.

SEC. 202. COMPENSATION FOR DISABILITIES OF PERSIAN GULF WAR VETERANS.

(a) PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILLNESSES.—Section 1117 is amended—

(1) in subsection (a)(2), by striking ''within the presumptive period prescribed under subsection (b)'' and inserting ''before December 31, 2011, or such later date as the Secretary may prescribe by regulation'';

(2) by striking subsection (b); and

(3) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(b) ILLNESSES THAT CANNOT BE CLEARLY DEFINED.—Subsection (a) of that section is further amended by inserting ''or any poorly defined chronic multisymptom illness of unknown etiology, regardless of diagnosis, characterized by two or more of the signs or symptoms listed in subsection (f)'' after ''illnesses)''.

(c) SIGNS OR SYMPTOMS THAT MAY INDICATE UNDIAGNOSED ILLNESSES.—That section is further amended by adding at the end the following new subsection:

''(f) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the following:

''(1) Fatigue.

''(2) Unexplained rashes or other dermatological signs or symptoms.

''(3) Headache.

''(4) Muscle pain.

''(5) Joint pain.

''(6) Neurologic signs or symptoms.

''(7) Neuropsychological signs or symptoms.

''(8) Signs or symptoms involving the respiratory system (upper or lower).

''(9) Sleep disturbances.

''(10) Gastrointestinal signs or symptoms.

''(11) Cardiovascular signs or symptoms.

''(12) Abnormal weight loss.

''(13) Menstrual disorders.''.

(d) PRESUMPTION OF SERVICE CONNECTION PROGRAM.—Section 1118(a) is amended by adding at the end the following new paragraph:

''(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(f) of this title.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2002.

SEC. 203. EXCLUSION OF CERTAIN ADDITIONAL INCOME FROM DETERMINATIONS OF ANNUAL INCOME FOR PENSION PURPOSES.

(a) LIFE INSURANCE PROCEEDS.—Subsection (a) of section 1503 is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph (11):

''(11) proceeds (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) of any life insurance policy of a veteran; and''.

(b) OTHER NON-RECURRING INCOME.—That subsection is further amended by inserting after paragraph (11), as added by subsection (a)(3) of this section, the following new paragraph (12):

''(12) any other non-recurring income (in an amount equal to or less than the amount prescribed by the Secretary for purposes of this paragraph, subject to subsection (c)) from any source.''.

(c) EXCLUDABLE AMOUNTS OF LIFE INSURANCE PROCEEDS AND OTHER NON-RECURRING INCOME.—That section is further amended by adding at the end the following new subsection:

''(c) In prescribing amounts for purposes of paragraph (11) or (12) of subsection (a), the Secretary shall take into consideration the amount of income from insurance proceeds or other non-recurring income, as the case may be, that is reasonable for individuals eligible for pension to consume for their maintenance.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002, and shall apply with respect to determinations of annual income under section 1503 of title 38, United States Code, as so amended, on or after that date.

SEC. 204. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end the following new subsection:

''(c) TIME LIMITATION.—(1) If information that a claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking ''(a) REQUIRED INFORMATION AND EVIDENCE.—''; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 205. EFFECTIVE DATE OF CHANGE IN RECURRING INCOME FOR PENSION PURPOSES.

Section 5112(b)(4) is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) change in recurring income will be the last day of the calendar year in which the change occurred (with the pension rate for the following calendar year based on all anticipated countable income); and''.

SEC. 206. PROHIBITION ON PROVISION OF CERTAIN BENEFITS WITH RESPECT TO VETERANS WHO ARE FUGITIVE FELONS.

(a) PROHIBITION.—(1) Chapter 53 is amended by inserting after section 5313A the following new section:

''§ 5313B. Prohibition on providing certain benefits with respect to veterans who are fugitive felons

''(a) A veteran described in subsection (b), or dependent of the veteran, who is otherwise eligible for a benefit described in subsection (c) may not be paid or otherwise provided such benefit during any period in which the veteran is a fugitive as described in subsection (b).

''(b)(1) A veteran described in this subsection is a veteran who is a fugitive by reason of—

''(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the veteran flees; or

''(B) violating a condition of probation or parole imposed under Federal or State law.

''(2) For purposes of this subsection, the term 'felony' includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

''(c) A benefit described in this subsection is any benefit under the following:

''(1) Chapter 11 of this title.

''(2) Chapter 13 of this title.

''(3) Chapter 15 of this title.

''(4) Chapter 17 of this title.

''(5) Chapter 19 of this title.

''(6) Chapters 30, 31, 32, 34, and 35 of this title.

''(7) Chapter 37 of this title.

''(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a veteran who is eligible for a benefit described in subsection (c) if such official—

''(A) provides the Secretary such information as the Secretary may require to fully identify the veteran;

''(B) identifies the veteran as being a fugitive described in subsection (b); and

''(C) certifies to the Secretary that the location and apprehension of the veteran is within the official duties of such official.

''(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 5313A the following new item:

''5313B. Prohibition on providing certain benefits with respect to veterans who are fugitive felons.''.

(b) SENSE OF CONGRESS ON ENTRY INTO MEMORANDA OF UNDERSTANDING AND AGREEMENTS.—It is the sense of Congress that the memoranda of understanding and agreements referred to in

section 5313B(d)(2) of title 38, United States Code (as added by subsection (a)), should be entered into as soon as practicable after the date of the enactment of this Act, but not later than six months after that date.

SEC. 207. LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED FOR FELONIES COMMITTED BEFORE OCTOBER 7, 1980.

(a) LIMITATION.—Notwithstanding any other provision of law, the payment of compensation to or with respect to a veteran described in subsection (b) shall, for the remainder of the period of incarceration of the veteran described in that subsection, be subject to the provisions of section 5313 of title 38, United States Code, other than subsection (d) of that section.

(b) COVERED VETERANS.—A veteran described in this subsection is any veteran entitled to compensation who—

(1) was incarcerated on October 7, 1980, for a felony committed before that date; and

(2) remains incarcerated for conviction of that felony after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, and shall apply with respect to the payment of compensation for months beginning on or after that date.

(d) COMPENSATION DEFINED.—For purposes of this section, the term ''compensation'' shall have the meaning given that term in section 5313 of title 38, United States Code.

SEC. 208. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

(a) REPEAL.—Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1114(r) is amended by striking ''section 5503(e)'' and inserting ''section 5503(c)''.

(2) Section 5112 is amended by striking subsection (c).

SEC. 209. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(b) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Paragraph (7) of subsection (d) of section 5503, as redesignated by section 208(a)(2) of this Act, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

TITLE III—HOUSING MATTERS

SEC. 301. INCREASE IN HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES.

Section 3703(a)(1) is amended by striking ''$50,750'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''$63,175''.

SEC. 302. FOUR-YEAR EXTENSION OF NATIVE AMERICAN VETERANS HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2005''.

(b) ANNUAL REPORTS.—Section 3762(j) is amended by striking ''2002'' and inserting ''2006''.

SEC. 303. EXTENSION OF OTHER EXPIRING AUTHORITIES.

(a) HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.—Section 3702(a)(2)(E) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

(c) HOME LOAN FEE AUTHORITIES.—The table in section 3729(b)(2) is amended by striking ''October 1, 2008'' each place it appears and inserting ''October 1, 2011''.

(d) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2008'' and inserting ''October 1, 2011''.

TITLE IV—BURIAL MATTERS

SEC. 401. INCREASE IN BURIAL AND FUNERAL EXPENSE BENEFIT FOR VETERANS WHO DIE OF SERVICE-CONNECTED DISABILITIES.

(a) BURIAL AND FUNERAL EXPENSES.—Section 2307(1) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 402. AUTHORITY TO PROVIDE BRONZE GRAVE MARKERS FOR PRIVATELY MARKED GRAVES.

(a) AUTHORITY.—Section 2306 is amended by adding at the end the following new subsection:

''(f) In the case of the grave of an individual described in subsection (a) that has been marked by a privately-furnished headstone or marker, the Secretary may furnish, when requested, a bronze marker to commemorate the individual's military service. The bronze marker may be placed at the gravesite or at another location designated by the cemetery concerned as a location for the commemoration of the individual's military service.''.

(b) APPLICABILITY.—Subsection (f) of section 2306 of title 38, United States Code, as added by subsection (a) of this section, shall apply with respect to deaths as follows:

(1) Any death occurring on or after the date of the enactment of this Act.

(2) Any death occurring before that date, but after on or after November 1, 1990, if request is made to the Secretary of Veterans Affairs with respect to such death under such subsection (f) not later than four years after the date of the enactment of this Act.

(c) STYLISTIC AMENDMENT.—Subsection (c) of section 2306 is amended by striking ''of this section''.

TITLE V—OTHER BENEFITS MATTERS

SEC. 501. REPEAL OF FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

(a) REPEAL OF LIMITATION.—Section 3120(e) is amended by striking ''Programs'' and all that follows through ''such programs'' and inserting ''First priority in the provision of programs of independent living services and assistance under this section''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2001.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS TO FACILITATE STAGGERED TERMS OF JUDGES.

(a) IN GENERAL.—(1) Section 7253 is amended by adding at the end the following new subsection:

''(h) TEMPORARY EXPANSION OF COURT.—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court from the date of the enactment of this subsection until August 15, 2005, is nine judges.

''(2) Of the two additional judges authorized by this subsection—

''(A) only one judge may be appointed pursuant to a nomination made in 2001 or 2002;

''(B) only one judge may be appointed pursuant to a nomination made in 2003; and

''(C) if no judge is appointed pursuant to a nomination covered by subparagraph (A), a nomination covered by subparagraph (B), or neither a nomination covered by subparagraph (A) nor a nomination covered by subparagraph (B), the number of judges authorized by this subsection but not appointed as described in subparagraph (A), (B), or both, as the case may be, may be appointed pursuant to a nomination or nominations made in 2004, but only if such nomination or nominations, as the case may be, are made before September 30, 2004.

''(3) The term of office and eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), shall be governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

''(4) A judge of the Court as of the date of the enactment of this subsection who was appointed before 1991 may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section.''.

(2) No appointment may be made under section 7253 of title 38, United States Code, as amended by paragraph (1), if the appointment would provide for a number of judges in excess of seven judges (other than judges serving in recall status under section 7257 of title 38, United States Code) who were appointed to the United States Court of Appeals for Veterans Claims after January 1, 1997.

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting ''APPOINTMENT.—'' before ''The judges'';

(2) in subsection (c), by inserting ''TERM OF OFFICE.—'' before ''The terms'';

(3) in subsection (f), by striking ''(f)(1)'' and inserting ''(f) REMOVAL.—(1)''; and

(4) in subsection (g), by inserting ''RULES.—'' before ''The Court''.

SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7296(b)(2) is amended by striking the second sentence.

SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TERMINATION.—Section 402 of the Veterans' Judicial Review Act (division A of Public Law 100–687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans' Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to—

(1) any appeal filed with the United States Court of Appeals for Veterans Claims on or after the date of the enactment of this Act; and

(2) any appeal pending before the Court on that date, other than an appeal in which the Court has made a final disposition under section 7267 of title 38, United States Code, even though such appeal is not yet final under section 7291(a) of title 38, United States Code.

SEC. 604. REGISTRATION FEES.

(a) REGISTRATION FEES FOR PARTICIPATION IN OTHER COURT-SPONSORED ACTIVITIES.—Subsection (a) of section 7285 is amended to read as follows:

''(a) The Count of Appeals for Veterans Claims may impose registration fees as follows:

''(1) Periodic registration fees on persons admitted to practice before the Court, in such frequency and amount (not to exceed $30 per year) as the Court may provide.

''(2) Registration fees on persons (other than judges of the Court) participating at judicial conferences convened pursuant to section 7286 of this title, and at other Court-sponsored activities.''.

(b) AVAILABILITY OF REGISTRATION FEES.—Subsection (b) of that section is amended—

(1) in paragraph (1), by striking ''employing independent counsel'' and inserting ''conducting investigations and proceedings, including the employment of independent counsel,''; and

(2) in paragraph (2), by striking ''administrative costs for the implementation of the standards of proficiency prescribed for practice before the Court'' and inserting ''the expenses of judicial conferences convened pursuant to section 7286 of this title, and of other Court-sponsored activities covered by paragraph (2) of that subsection, and the expenses of other activities and programs of the Court intended to support and foster communications and relationships between the Court and persons practicing before the Court, or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 7285 is amended to read as follows:

''§ 7285. Registration fees''.

(2) The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7285 and inserting the following new item:

''7285. Registration fees.''.

SEC. 605. ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by inserting after section 7286 the following new section:

''§ 7287. Administration

''Notwithstanding any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds of the Court, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision of law) applicable to a court of the United States (as that term is defined in section 451 of title 28), except to the extent that such provision of law is inconsistent with a provision of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7286 the following new item:

''7287. Administration.''.

Amend the title so as to read: ''A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.''.

AMENDMENT NO. 2462

Mr. REID. Senators ROCKEFELLER and SPECTER have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 2462.

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

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I urge the Senate to pass S. 1088, the proposed ''Veterans Benefits Improvement Act of 2001,'' as it will be modified by a manager's amendment which I developed with the Committee's Ranking Member, Senator SPECTER. I will describe provisions of the amendment in a moment.

The pending measure is an omnibus bill that improves many veterans benefits, such as the amount and flexibility of the Montgomery GI Bill, and enhances compensation to Gulf War veterans, as well as to Vietnam veterans with Agent Orange-related conditions.

Although the Budget Resolution assumed some significant spending on veterans benefits, our Committee nonetheless had to make some difficult decisions to assist the most veterans within the resources available to our Committee. I thank Ranking Member Specter and the minority staff for their significant efforts toward attaining that goal.

S. 1088, as reported, which I will refer to as the ''Committee bill,'' makes significant enhancements to educational benefits for veterans and their families. The original GI Bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today's Montgomery GI Bill (MGIB), modeled after the original GI Bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

I am very pleased that section 101 of the Committee bill would increase the MGIB basic monthly benefit by $50 per month this year, $100 in 2002, and $150 in 2003. I am even more proud that S. 1088 also takes the next evolutionary step to keep pace with the careers and education that today's veterans require. As our colleagues know, many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. Section 103 of the Committee bill would allow veterans to use their Montgomery GI Bill educational benefits to pay for short-term, high technology courses that would allow veterans to earn the credentials they need to gain entry to lucrative civilian-sector careers.

Currently, the MGIB provides a basic monthly benefit of $672 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today's fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, such as short-term courses that lead to certification in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses, such as Microsoft or Cisco systems training, may be offered through training centers, private contractors to community colleges, or the companies themselves. They often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay less than $1,400 for a two-month course that could cost as much as $10,000.

The percentage of veterans who actually use the MGIB benefits they have earned and paid for is startlingly low—45% of eligible veterans, according to VA's Program Evaluation of the Montgomery GI Bill published in April 2000—despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose whatever kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, section 103 would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA's MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran's remaining entitlement. This provision would also allow courses offered by these providers to be covered by MGIB.

Another provision of the Committee bill would correct an unintended exclusion of certain Gulf War veterans from eligibility for service-connected benefits. Our efforts to explain symptoms reported by many troops returning from the 1991 Gulf War have been frustrated by inconclusive scientific data and by poor military recordkeeping during the conflict. In 1994, Congress passed the Persian Gulf War Veterans' Benefits Act to provide compensation to certain Gulf War veterans disabled by ''undiagnosed illnesses'' for which no other causes could be identified.

Since then, changes in medical terminology have led many Gulf War veterans to receive diagnoses for chronic conditions without known cause—such as chronic fatigue syndrome and fibromyalgia—which VA has interpreted as precluding them from eligibility for benefits. Section 202 of the Committee bill would correct this unintended exclusion by expanding service connection to ''poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis,'' characterized by the symptoms already listed in VA regulations.

Because scientific research has still determined neither the cause of veterans' symptoms nor the long-term health consequences of Gulf War-era exposures, and because the Department of Defense recently expanded its estimates of who might have been exposed

to nerve agents, this section also extends the presumptive period for benefits for Gulf War veterans for 10 more years. I thank the Committee's newest member, Senator HUTCHISON, for her leadership on this issue.

For many years there has been a prohibition on paying compensation and pension benefits to an incompetent veteran who has no dependents and who has assets of $1,500 or more, if the veteran is being provided institutional health care by the government. This reduction of benefits to this population of veterans dates back to 1933, when incompetent individuals might be institutionalized for years. At that time, it was believed that a large estate based on the veteran's benefits should not be allowed to build up just to pass to the state upon the veteran's death. Now, however, treatment modalities have changed and veterans do not generally remain hospitalized for years at a time. Instead, they are more likely to cycle in and out of treatment, which results in virtually constant suspension and reinstatement of their benefits.

Last year, in Public Law 106–419, Congress addressed this anomaly in law. Although we had hoped to fully eliminate the disparate and discriminatory treatment of incompetent veterans, due to cost restraints we were only able to raise the dollar amount of the cutoff from $1,500 to five times the 100 percent compensation rate, which is $10,535 in the current year. The current monthly VA disability compensation rate for a veteran rated 100 percent disabled is $2,107.

Section 209 would fully repeal the limitation on payment of benefits to incompetent institutionalized veterans who have no dependents and thereby end decades of prejudice and discrimination against these veterans.

The Committee bill also enhances and extends home loan programs. As most of our colleagues appreciate, VA does not provide a direct home loan for servicemembers and veterans. Instead, it provides a guaranty to mortgage lenders should the borrower veteran be unable to meet the payments and go into foreclosure. A VA guaranty allows a veteran to buy a home valued at up to four times the guaranty amount. The price of homes in major metropolitan areas has increased significantly in the last several years, yet the VA guaranty amount has not been increased since 1994. VA estimates that during fiscal year 2001, VA will have guaranteed 250,000 loans for veterans.

Section 301 would increase the home loan guaranty amount to $63,175 from the current $50,750 to keep pace with FHA loan guaranties, thereby supporting a loan of up to $252,700.

Section 302 would extend the Native American veterans housing loan program, set to expire in 2002, by 4 years. Special authority to provide these loans is necessary, in addition to the general VA home loan guaranty, because these homes sit on tribal land. This makes traditional foreclosure and resale by the mortgage holders impossible.

Section 303 would extend for 4 years the authority for housing loan guaranties for members of the Selected Reserve, currently set to expire in 2007. Reservists must serve 6 years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be used as a recruiting incentive now, the benefit must be authorized beyond 6 years. Senator AKAKA, my good friend and colleague on the Committee, has again championed the loan programs for Native Americans and reservists in the Senate.

I now turn to the provisions contained in the manager's amendment. They include further enhancements to educational benefits, pension simplification, and eliminating an arbitrary bar to benefits for Vietnam veterans suffering from Agent Orange-related respiratory cancers.

First, new section 105 would protect educational benefits for those that must leave their course of study to serve on active duty in support of the National Emergency declared in response to the events of September 11, 2001. This provision would restore educational entitlements for recipients of the Montgomery GI Bill, Veterans Educational Assistance Program, VEAP, and Dependent's Educational Allowance, DEA, for regular servicemembers and reservists who are called up for active duty and who are forced to relocate or take on extra work because of their participation in support of the National Emergency. This provision would be an amendment to a provision that restores such entitlements for servicemembers and reservists called to active duty for the Persian Gulf War. In 1997, Congress similarly expanded educational benefits restoration for the Selected Reserve Program.

New section 106 would increase the Dependent's Educational Allowance (DEA) for dependents and eligible spouses of veterans. Congress created this educational program in 1968 to provide educational opportunities to children whose education would be impeded or interrupted because of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces. In addition, unremarried surviving spouses of veterans are generally eligible for the educational allowance in order to assist them in preparing to support themselves and their families at the standard-of-living level that the veteran could have been expected to provide for his or her family but for the service-connected disability or death. Children and surviving spouses of servicemembers who are missing in action for 90 days, captured in the line of duty by a hostile force, or detained or interned by a foreign government, are also eligible for the educational allowance.

DEA is available for full-time, three-quarter time or half-time attendance at an institution of higher learning, for students taking correspondence courses, pursuing special restorative training, or apprenticeship training. The increase in DEA for full-time students would be to $690 from $608 on November 1, 2002, with no cost-of-living adjustment that year. The allowance for a three-quarter time student would increase to $517 from $456, and the allowance for half-time pursuit would increase to $345 from $304.

In addition, new section 107 would address statutory gaps that led to a court decision, Ozer v. Principi, 14 Vet.App. 257 (2001), that eliminated the delimiting date for use of DEA benefits by surviving spouses. Under the new provision, subject to the Secretary's approval, the surviving spouse would be allowed to change the beginning date of the 10-year period during which he or she is eligible for benefits. This provision would allow the surviving spouse to select the beginning date of eligibility from any date between the effective rating of the veteran's total and permanent service-connected disability and the date on which the Secretary determines that the veteran died of a service-connected disability. The amendment would restore the delimiting date provision, making the DEA program more uniform with other VA educational programs.

New section 201 would remove the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. Currently, title 38, United States Code, only provides a presumption in Vietnam veterans for respiratory cancer if the disease manifested within 30 years of their service in Vietnam. The most recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time. This provision would eliminate the 30-year limit and allow future claims for Vietnam veterans' respiratory cancers, irrespective of the date of manifestation of the disease.

Finally, new section 203 would restore the presumption of disability for pension purposes by allowing VA to accept certain types of evidence, beyond just medical evidence, to establish permanent and total disability. VA non-service-connected pension is a needs-based monthly benefit paid to certain disabled wartime veterans.

Currently, the VA must determine if medical evidence demonstrates that the veteran can be rated as permanently and totally disabled. This can be a very time-consuming process that creates hardships for pension claimants. This provision would allow VA to consider a veteran to be permanently and totally disabled for pension purposes if the veteran is a patient in a nursing home, the Social Security Administration has determined that the veteran is disabled for their benefit programs, or the veteran is age 65 or over. This provision should streamline the processing of pension claims and

provide faster service for disabled and elderly veterans.

In conclusion, I urge my colleagues to support these vital enhancements to veterans benefits. As has been the case in previous years and is particularly important in light of our country's current military actions, this truly represents a bipartisan commitment to our Nation's veterans.

I ask unanimous consent that a summary of S. 1088 be printed in the RECORD.

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

SUMMARY OF S. 1088, AS AMENDED BY MANAGER'S AMENDMENT

EDUCATION:

Increase the rate of the basic benefit of the Montgomery G.I. Bill (MGIB) from the current $650 per month to $700 per month beginning in October 1, 2001; $800 per month in October 1, 2002; and $950 per month in October 1, 2003.

Allows MGIB participants to receive their otherwise monthly payment as an accelerated lump-sum payment for the month in which the course begins.

Currently, MGIB benefits are paid in monthly installments. S. 1088 would create flexibility in the payment method for MGIB to partially pay for short-term/high tech courses. It would accelerate payment of up to 60 percent of the cost of an approved program that leads to employment in a high technology industry.

Preserves educational benefits for those that must leave their course of study to serve on active duty in support of the National Emergency declared in response to the events of September 11, 2001.

Increase Dependent's Educational Allowance (DEA) for dependents and eligible spouses of veterans for full-time students is to $690 from $588 on November 1, 2002.

COMPENSATION AND PENSION

Removes the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. The most recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time.

Tasks the National Academy of Sciences (NAS) to continue reviewing scientific evidence on effects on dioxin or herbicide exposure for 10 more years (five reports); and extends authority of the VA Secretary to presume service connection for additional diseases as based on future NAS reports for 10 more years.

Expands the compensation definition of ''undiagnosed illness'' for Gulf War veterans by adding poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis. Congress provided compensation to these veterans disabled by ''undiagnosed'' illnesses. Since then many have received diagnoses for chronic conditions whose causes cannot be identified conclusively, but which preclude them from eligibility for benefits under the current law.

Streamlines VA pension eligibility and income reporting requirements.

HOUSING

Increases the home loan guaranty amount to $63,175 from the current $50,750, to keep pace with FHA loan guaranties supporting a loan of up to $252,700. The VA guaranty amount has not been increased since 1994.

Extends the Native American veterans housing loan program, set to expire in 2002, by four years. Special authority is necessary, in addition to the general VA home loan guaranty, because these homes sit on tribal land. This makes traditional foreclosure and resale by the mortgage holders impossible.

Extends the four years the authority for housing loan guaranties for members of the Selected Reserve (now set to expire in 2007). Reservists must serve six years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be advertised as a recruiting incentive now, the benefit must be authorized beyond six years

BURIAL MATTERS

Increases VA burial benefits for service-connected deaths of veterans from $1,500 to $2,000.

Authorize the Secretary of Veterans Affairs to furnish bronze markers for already marked graves in order to more permanently commemorate the veteran's military service. VA is currently restricted by statute from providing a headstone or marker for already marked graves.

Mr. REID. I ask unanimous consent the Rockefeller-Specter substitute amendment at the desk be agreed to; the committee-reported substitute amendment be agreed to, as amended; the bill be read the third time; that the Veterans' Affairs Committee be discharged from further consideration of H.R. 1291; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 1088, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; that the title amendment be agreed to, which I now send to the desk; that S. 1088 be returned to the calendar; and any statements be printed in the RECORD.

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

The amendment (No. 2462) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1291), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The amendment (No. 2463) was agreed to, as follows:

Amend the title so as the read: ''A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.''.

MEASURE READ FOR THE FIRST TIME—S. 1786

Mr. REID. I understand S. 1786 introduced earlier today by Senator DURBIN is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1786) to expand aviation capacity in the Chicago area.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 1789

Mr. REID. I understand S. 1789, introduced earlier today by Senator DODD, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1789) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

Mr. KENNEDY. Mr. President, I strongly support the Best Pharmaceuticals for Children Act, which reauthorizes the pediatric drug exclusivity provision enacted as part of the FDA Modernization Act in 1997. I commend Senator DODD and Senator DEWINE for their effective leadership on this provision as well as Senator CLINTON for her important contributions to this legislation, and I also commend their staffs for their long and skilled work on this bill.

Combined with FDA's Rule that requires pediatric testing for drugs and biological products, this legislation is intended to do more to see that medicines are adequately tested for safety and effectiveness in children.

The 1997 provision has been a major success in encouraging essential studies of pharmaceutical products in children. Dozens of such drugs have been studied in children, and many of the products have now been relabeled or even reformulated for use in children. But the 1997 provision has not been an unqualified success. Although many products have been studied, others have not. For every label changed, others remain incomplete.

This reauthorization provides that every pharmaceutical product that is needed to treat children will, in fact, be studied in children. In a few years, there will be far fewer of these products that lack adequate information about pediatric use. The Food and Drug Administration will be able to act more quickly and successfully to see that drug companies label their products for such use. The bill also gives needed new priority to the appropriate use of cancer drugs for children.

In addition to extending and improving this program which has been so important in improving therapies for children, the bill closes technical loopholes which might have improperly barred generic drugs from the market or limited the incentives for generic drug development.

This is a bill that will make a major contribution to the health of American children and I urge its prompt passage by the Senate and the House.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m. on Tuesday, December 11, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 576, 587, and 591; that the Senate immediately vote on each nominee; that upon the disposition of these nominations, the President be immediately notified of the Senate's action, and any statements thereon appear at the appropriate place in the RECORD, and the Senate then return to legislative session.

I further ask unanimous consent that it be in order for the yeas and nays on each of the nominees with a show of hands.

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

Mr. REID. Mr. President, as in executive session, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR MONDAY, DECEMBER 10, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 3 p.m. on Monday, December 10, that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1731, the farm bill.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday. The next rollcall votes will occur on Tuesday morning beginning at 9:30.

ADJOURNMENT UNTIL 3 P.M., MONDAY, DECEMBER 10, 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:29 a.m., adjourned until Monday, December 10, 2001, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 2001:

DEPARTMENT OF DEFENSE

PETER B. TEETS, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF LABOR

TAMMY DEE MCCUTCHEN, OF ILLINOIS, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITIONS AND GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8307:

To be the judge advocate general of the United States Air Force

MAJ. GEN. THOMAS J. FISCUS

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. JACK L. RIVES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE H. BARLOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL KEITH B. ALEXANDER
BRIGADIER GENERAL ELDON A. BARGEWELL
BRIGADIER GENERAL DAVID W. BARNO
BRIGADIER GENERAL JOHN R. BATISTE
BRIGADIER GENERAL PETER W. CHIARELLI
BRIGADIER GENERAL CLAUDE V. CHRISTIANSON
BRIGADIER GENERAL ROBERT T. DAIL
BRIGADIER GENERAL PAUL D. EATON
BRIGADIER GENERAL KARL W. EIKENBERRY
BRIGADIER GENERAL ROBERT H. GRIFFIN
BRIGADIER GENERAL JOHN W. HOLLY
BRIGADIER GENERAL DAVID H. HUNTOON, JR.
BRIGADIER GENERAL JAMES C. HYLTON
BRIGADIER GENERAL GENE M. LACOSTE
BRIGADIER GENERAL DEE A. MCWILLIAMS
BRIGADIER GENERAL RAYMOND T. ODIERNO
BRIGADIER GENERAL VIRGIL L. PACKETT II
BRIGADIER GENERAL JOSEPH F. PETERSON
BRIGADIER GENERAL DAVID H. PETRAEUS
BRIGADIER GENERAL MARILYN A. QUAGLIOTTI
BRIGADIER GENERAL MICHAEL D. ROCHELLE
BRIGADIER GENERAL DONALD J. RYDER
BRIGADIER GENERAL HENRY W. STRATMAN
BRIGADIER GENERAL JOE G. TAYLOR, JR.
BRIGADIER GENERAL N. ROSS THOMPSON III
BRIGADIER GENERAL JAMES D. THURMAN
BRIGADIER GENERAL THOMAS R. TURNER II
BRIGADIER GENERAL MICHAEL A. VANE
BRIGADIER GENERAL WILLIAM G. WEBSTER, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

TO BE REAR ADMIRAL

REAR ADM. (LH) ANTHONY W. LENGERICH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD B. PORTERFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEPHEN A. TURCOTTE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. CHARLES W. MOORE, JR.

IN THE PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING KETTY M. GONZALEZ AND ENDING AMANDA D. STODDARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING VERN J. ABDOO AND ENDING DOUGLAS K. ZIMMERMAN II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2001.

IN THE NAVY

NAVY NOMINATION OF JOHN B. STOCKEL
NAVY NOMINATION OF PHILIP F. STANLEY