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

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,

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.
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 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 conference report, signed by a majority of the conferences.

The ACTING PRESIDENT pro tempore. The Senate will now 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 to the quadrennial 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 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 reorganization and 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 the need—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 establish the board of the District and to respond to whatever emergencies might occur. September 11 has given us 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—toward 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 in 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 it will do 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 Norron for her tremendous effort.

I thank the staff: Chuck Kieffer, Kate Elitch, Kathleen Strotman, Kevin Avery; and Mary Dietrich and Stan Skocicki 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. Ms. LANDRIEU. 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 a social worker within first 8 weeks in foster care. Thirty-seven percent of child neglect complaints were not investigated within 30 days after they came into the agency’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 represents 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 we 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 year from 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’s Green Dot 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 year 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, on average, one third of all 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. 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 session we can start 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. LANDRIEU). The PRESIDING OFFICER (Ms. LANDRIEU). The conference report was agreed to.

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 was righted and he was recognized for his distinguished service to our country for that. The 10th Division was on the other side of the mountain when they both came off the battlefield injured and, strangely enough, being in 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 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.

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 sacrifice 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 STEVENS, have provided to us. They have both been so instrumental in helping support the development of this museum in New Orleans, La.

I want to thank the 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 is addressing the audience at the Kamehameha School for Girls in Hawaii. We are all excited to witness firsthand, this museum, 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 nation toward the development of this progress, we have had contributed $5 million toward the development of this museum.

Today, I am honored to join my colleagues in honoring my dear friend, the senior Senator from Hawaii [Mr. STEVENS], who is not here today, and myself, how grateful we are for their remarks and the help our distinguished colleague from Alaska, Senator INOUYE, who has received the Congressional Medal of Honor. So he is one of the very few Members who has served in the Senate 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 today have come at 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 face, and we rely on that same power today as we seek peace and justice.

Today, I want to thank 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 continue our friendship.

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.

Ms. 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.

DANNY 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.

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 the Lost 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 of his body, 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 shot off 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 to 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 will not have the opportunity to pass the Defense appropriations bill for those in the field today.

I want 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 around military recruiting offices 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 Pearl Harbor at 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 greater strength of our armed forces, it may be difficult to remember the challenge our military faced despite our resolve and resources. We faced formidably 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 serve 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 today 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. It appears to me that the committee is trying 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.

Mr. CARPER. May I make an 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. Ten 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 the State of Rhode Island. 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 on terrorism, 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 four 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, 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. GRAMM. Madam 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 be 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.

My request for 5 minutes is to speak about another issue. Senator BYRD has structured it, it is entirely up to him. Why would he not 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 this 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? What could happen there?

I ask for 30 additional seconds. The PRESIDENT (Ms. CANTWELL). Without objection, it is so ordered.

Mr. CONRAD. I will take 3 minutes.

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 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 PRESIDENT (Ms. CANTWELL). Without objection, it is so ordered.

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

Mrs. BOXER. Yes.

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

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

I yield the floor.

Mr. CONRAD. I thank my colleague from Alaska for his graciousness with
Madam President, the question before us is 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 is the response. It 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 we would 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 if we go back and 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 received 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 as 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. That is 22 times as much of a deficit for the Republican plan has a deficit of $66 billion. That is because no one could have anticipated 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 cut 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.

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 20 minutes remaining.

Mr. BYRD. I thank the Chair.

Madam President, let us pause for a moment, halt, 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. 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 saw with my very own 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 overseas.

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 cutting 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 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.” Will when 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 allow it to bypass the Senate.

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 to get the money to the paramedics, their firemen, their policemen to do their jobs.

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—Winning! That is all that matters. We wish that, just once, the thick fog of cynicism—and it is so thick that you could 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 hot-heads—not the hothouse political gamesmanship of came our actions. In this game of political cloak and dagger, the only ones being stabbed in the back are the American people.

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 says he will veto. 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. 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 people will know that the Democrats, or the Republicans, or whomever, or whomever will 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, and Senator STEVENS is doing everything he can to get this done and out. 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 petulance, 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.

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. But, Mr. 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 to New York. I want to help him keep his promises to 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 cannot consider the decades of partisan political squabbling that so often occupy us in this self-consuming, cynical, myopic town.

When I came to the legislative branch, we had two major political parties. In the year that I have been 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 said, ‘Let’s go; we will fight; we will support our President.’ 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 the Framers 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 the Constitution; we need fast track. 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. But, Mr. 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 to New York. I want to help him keep his promises to the American people.

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
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I do not 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 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 that makes him who he is. 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 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 West Virginia.

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 hero, genuine patriot, and hero, Senator INOUYE, for his service in World War II.

Pearl Harbor. There is no person of any party to 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 money that we have to our service men and women need who are fighting overseas in Afghanistan and across the world preserving peace and 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 impacted those families. But more importantly, it has put a sense of concern and perhaps even anxiety in everyone in this country and 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 proposal 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 provide for the defense of America 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 have 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 the ability of patients who are fighting overseas in Afghanistan and across the world to get the care they need.

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 that allowed our servicemen to suffer. We saw Americans suffer loss of life, and families who have lost loved ones are feeling it more now than ever at
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 question be suspended.

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. It 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 up places 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. There is another man who died hoping to reach the bottom of the 88th floor. He was not able 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, only this an attack and the attack against our well-being, but it is an attack against our economy. Senator BYRD brings to us a responsible proposal to not only help us make more secure at home but create jobs in the rebuilding 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 a very serious threat. The 9/11 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 deadline. The $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 Senate yesterday. This 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 that 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 90 days after the date of enactment of this act.

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. It is 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 now. As the chairman of the committee, he had the duty to think through these things. I started out in the same position he has 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 other requirements for purposes specified in that law.

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 that we determined 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 a 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 Alaskaa 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 what the need is.

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 Association of County and City Health Officials—they are the first ones to detect this challenge: “[This 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 public health infrastructure 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 public 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 community, the laboratory, emergency response preparation 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 are stretched. To respond adequately to future threats we must update our labs, staffing and technology and security.”

I thank Senator BYRD for yielding.

Mr. BYRD. Mr. President, to the credit of the administration and the Congress, a scant 3 days after the attack on New York, our emergency supplemental spending package was approved. My colleague, Mr. STEVENS, has called attention to that. At that point 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 efforts. We were only just beginning to come to grips with the holes in our border security, the inadequacies of our customs inspection procedures, the potential for misuse of our largely unprotected nuclear facilities, food supplies, water supplies, and other critical issues of transportation and national defense. 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 economic 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 followers in 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 and 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 be $40 billion for defense in Afghanistan or our defense in New York or California or Alabama or Georgia or West Virginia. Airports are effective, up to a point. They are also expensive. We
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must not shortchange our national defense—at home or abroad.

Throughout our short history, Americans have always been able to pull out of such nesethes through a rallying of our spirit, the American spirit. 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 bi-partisanship 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 our sleep by a tornado of violence. We have been roused from the extreme. We have been roused from the illusion of false confidence. Every positive 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 ranor 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. Priscus 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 asked: 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 will 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 what my conscience directs me, here 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 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: Mr. President, my President’s friend. But I am not the President’s man. I am the Senator’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, or 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 56th year, I must say that it is difficult to look at any President and wish 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 said to 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 don’t belong to you, nor has anyone else, The fellow whose verdict counts most in your life is the guy staring back from the glass.

And the world makes you King for a day, And you might give your throne, or your crown, To the man who fought for pelf, And your Father, or Mother, or Wife, Would be the last to crown, And your Father would say, ‘Now, lad, this is the crown you have earned, But be it mine to crown you in my own way, And thereby prove to the world that I, Who don’t belong to you, nor has anyone else, The fellow whose verdict counts most in your life is the guy staring back from the glass.'
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 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 West Virginia 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 Congressional Budget Act. The motion to waive 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, 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. 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. If an approach is to 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 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 Durbin Lincoln
Bayh Edwards Lugar
Biden Feinstein Murray
Bingaman Graham Nelson (FL)
Boxer Harkin Nelson (NE)
Byrd Hollings Reed
Cantwell Inouye Reid
Carnahan Jeffords Rockefeller
Carper Johnson Sarbanes
Cleland Kennedy Schumer
Clinton Kerry Stabenow
Conrad Landrieu Torricelli
Corzine Liebisch Weinsen
Daschle Leahy Wyden
Dayton Leahy Wyden

NAYS—50

Allard Craig Gregg
Allen Crapo Hagel
Bennett DeWine Hatch
Bond DeMint Helms
Brownback Ensign Hutchinson
Bunning Enzi Hutchinson
Burns Feingold Inhofe
Campbell Fitzgerald Kyl
Chafee Ford Lott
Chambliss Gramm Logar
Collins Grassley McCain

McConnell Shelby Smith (NH)
Merkowski Smith (OR)
Nickles Snow Specter
Roberts Sessions Stevens
Santorum Sessions Stevens
Sessions Stevens

The pork barrel 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. If an approach is to 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 for 60 minutes, followed by Senator WALLSTONE 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 pork barrel 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 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 [in 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 insist in spending money requested and authorized only for our Armed Forces to satisfy the needs or the desires of interests that are days away, in the distant future, genuine, interested 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 across the country. 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 engines, 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 configuration to military configuration. And at the rear 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 we’ve institutionalized our failings. We 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 to address 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 have 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. “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, 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” provisions that require purchases of equipment and parts, 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
we are passing into law because only
ment of native Hawaiians?
change in policy regarding our treat-
Defense Appropriations Committee
also significant obligations as far as
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was added to this bill to enact legisla-
are tacked onto this must-pass appro-
through the normal legislative process
ers that probably would not make it
most needed to support our military
committee at the expense of projects
projects have historically been added
form of military construction projects
in time of war or national emergency.
shift military construction money
of the United States, the Secretary of
construction which would prohibit pre-
warfighting ability in Afghanistan and
appears to be a small provision that
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 war efforts in Afghanistan and around the world. Without debate or advice and counsel from the Committee on Armed Services, the appro-
riators changed the policy on military construction which would prohibit prev-
ious 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 times of 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 Milit-
ary Construction Appropriations Sub-
committee at the expense of projects the Commander in Chief believes are most needed to support our military overseas.
In the usual fashion, legislative rid-
ers that probably would not make it through the normal legislative process are tacked onto this must-pass appro-
riations bill. For example, a provision was added to this bill to enact legisla-
tion to federally recognize native Haw-
aians, similar to the status afforded to American Indians and Alaskan Na-
tive.
I have no objection to the substance of this legislation on its face. I do ob-
ject that it is being done here—no consideration, no debate—on an issue that could obligate the Govern-
ment of the United States to billions and billions of dollars in funding, but also significant obligations as far as land, which is a rather 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 treat-
ment of native Hawaiians?
In fact, no one would even know what we are passing into law because only
e 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?
This bill also clearly tramples on the jurisdiction of the Commerce Com-
mittee by making unauthorized appro-
riations out of the airport and air-
ways 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 pro-
gram but is not eligible for these mon-
ey.
Earlier this week, the Senate ap-
proved the Department of Transpor-
tation appropriations bill. That bill was an egregious overreach by the appro-
riators. In redirecting the pro-
grammatic expenditures and directives developed under the law by the author-
izing committee, this chart shows more than $1.1 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
for their home State projects.
Here we are, only a few days later,
and we are once again facing another appro-
riations bill that continues the unacceptable overreaching by the appro-
riators with respect to authorized funds. 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 im-
provement.”
This funding is not authorized, nor
has it been requested by the admin-
istration. The Senate-Commerce-Com-
mitee-reported S. 1550, the Rail Secu-
Rity Act of 2001, would authorize fund-
ing for Amtrak’s transportation needs, primarily tunnel improvements
in New York, Maryland, and DC. Under S. 1550, however, the funding would
have to be approved by the President. Of the money that was 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 re-
place it with a less efficient ferry serv-
vice. While ferry service may be re-
quired, it is a 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 cap-
ital 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 Sep-
thember 11 terrorist attack.
Under division C, the DOD appro-
piations bill provides funds for ship-
building 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
dargest single default payments in the history of the Shipbuilding Loan Guar-
antee Program, due to the bankruptcy filing of the American Classic Voyages Company on its loans. MARAD has asked the Treasury for $250 million to
call off loans which have been called under American Classic’s guarantees.
Further, the Department of Trans-
portation Inspector General is inves-
tigating 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 ade-
quately 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 guar-
antees when there are obviously problems with the program, I might add.
A program the administration has recommended not to fund at all.
While a report accompanying the bill
recommends new funding to be used to
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 Highways Administration.
By the way, I want to remind my col-
leagues, this is a Defense Appropi-
ations Committee bill—to the Federal Highway Administration. The accom-
companying report directs that $100 million million would be used for specific
ferry services in New York to cover the loss of the PATH transit services between New York and New Jersey that have not been re-
quested 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 is a 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 appro-
priations bill provides $100 million for ship-
building 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
dargest single default payments in the history of the Shipbuilding Loan Guar-
antee Program, due to the bankruptcy filing of the American Classic Voyages Company on its loans. MARAD has asked the Treasury for $250 million to
call off loans which have been called under American Classic’s guarantees.
Further, the Department of Trans-
portation Inspector General is inves-
tigating 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 ade-
quately 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 guar-
antees when there are obviously problems with the program, I might add.
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 security improvements. While I fully support the need for increased security at our Nation’s seaports, and I am a co-sponsor of legislation that would create a new program to provide port security guarantees, 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 before the $61 million in appropriations for general port security operations under Section 150 from the Appropriations Act of 1998, and to be effective through 2002, and transfer that $29.5 million to the multiyear highway funding legislation, has not 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 restored if part of the earmark in 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 directives.

Section 112 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 intermodail 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 Wood River Bridge over the Mississippi River. 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 terrorist and illicit narcotics 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) for the Department of Transportation and to be 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 previously 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. The Appropriations Committee has added $9 million to the $12 million in the Appropriations Act to assist 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 set forth in section 930(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 (in millions)**

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>DIVISION A</td>
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<td>OSM, Pacific Command Regional Initiative</td>
<td>Tactical Communication On-Board Training</td>
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<td>OEA, Adak airfield operations</td>
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<td>OSD, Pacific Command Regional Initiative</td>
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<td>PACT Trainer</td>
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<td>Modular Extendable-Rigid Wall Shelter</td>
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<td>Combat Vehicle and Automotive technology</td>
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<td>Southeast Atlantic Coastal Observing System (SEA-COOS)</td>
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<td>Precision Strike Navigator</td>
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<td>Vector Thrusted Ducted Project</td>
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<td>Aluminum Metal Drink Line</td>
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<td>AEGIS Operational Readiness Training System (ORTS)</td>
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### FY 2002 Defense Appropriations Pork (in millions)—Continued

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<tr>
<th>Division</th>
<th>Project Name</th>
<th>Amount</th>
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<tr>
<td>DIVISION A</td>
<td>Total Pork in Division A (FY 2002 Defense Approve)</td>
<td>$2.144 Billion</td>
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<td>DIVISION B</td>
<td>Commerce related earmarks: DoT Office of Intelligence and Security</td>
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<td>National Guard Transportation and Safety Board</td>
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<td>FAA Operations</td>
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<td>FAA Facilities and Equipment</td>
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<td>FAA Research, Engineering, and Development</td>
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<td>DIVISION B</td>
<td>Total Federal Highway Administration misc apps ($10 m was requested)</td>
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<td>DIVISION B</td>
<td>Capital Grants to the National Railroad Passenger Corporation</td>
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<td>DIVISION B</td>
<td>Total Federal Administration</td>
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<td>DIVISION B</td>
<td>Capital Investment Grants</td>
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<td>Total = $3.6 Billion</td>
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<td>DIVISION B</td>
<td>Total Earmarks in Divisions B, C, D, and E</td>
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### FY 2002 Defense Appropriations Pork (in millions)—Continued

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<td>DIVISION B</td>
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<td>DIVISION B</td>
<td>Total = $14.3 Billion</td>
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### Notes
- There are many, and for some of them we still haven’t been able to figure 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.
- 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 million every 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 is, 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 Aircraft. From Texas and the majority of this Senate, I do not think the Senator from Arizona, I am sure we could get the $10 billion.

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 $20 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 smoke screen on the horizon out there 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. Or, 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 10 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 pays much more people to have 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 it 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 aware that there has ever been a project 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 matter was ordered to be printed in the Record, as follows:

<table>
<thead>
<tr>
<th>Priority and description</th>
<th>Remaining shortfall</th>
<th>Cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Space Lift Range Visibility</td>
<td>53.9</td>
<td>53.9</td>
</tr>
<tr>
<td>2 EOS/Remote Sensing Contracts</td>
<td>182.0</td>
<td>235.9</td>
</tr>
<tr>
<td>3 Marine Reserve Munitions Replacement</td>
<td>362.0</td>
<td>594.0</td>
</tr>
<tr>
<td>4 Readiness II</td>
<td>41.0</td>
<td>45.0</td>
</tr>
<tr>
<td>5 Depot Maintenance</td>
<td>113.7</td>
<td>125.2</td>
</tr>
<tr>
<td>6 C4I Readiness I</td>
<td>224.2</td>
<td>448.4</td>
</tr>
<tr>
<td>7 Link-16/Link 20/Link 12</td>
<td>232.8</td>
<td>681.2</td>
</tr>
<tr>
<td>8 Civil Airspace Access (GANS/GATM)</td>
<td>15.9</td>
<td>17.8</td>
</tr>
<tr>
<td>9 KBIR Batteries</td>
<td>42.0</td>
<td>46.3</td>
</tr>
<tr>
<td>10 Time Critical Targeting</td>
<td>154.2</td>
<td>308.5</td>
</tr>
<tr>
<td>11 Real Property Maintenance 1 (1.2% PR)</td>
<td>520.0</td>
<td>574.3</td>
</tr>
<tr>
<td>12 Military Personnel</td>
<td>716.3</td>
<td>786.6</td>
</tr>
<tr>
<td>13 Peacemaker (PK) Retirement (Pending Congressional Approval)</td>
<td>12.2</td>
<td>13.4</td>
</tr>
<tr>
<td>14 Support to the C-17 Multi-year</td>
<td>180.9</td>
<td>293.1</td>
</tr>
<tr>
<td>15 Target Drones (Natal Targals)</td>
<td>6.2</td>
<td>6.8</td>
</tr>
<tr>
<td>16 Combat Support Vehicles</td>
<td>24.3</td>
<td>24.3</td>
</tr>
<tr>
<td>17 C4I Readiness II</td>
<td>325.9</td>
<td>350.8</td>
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<tr>
<td>18 Bomber Upgrades</td>
<td>730.7</td>
<td>737.6</td>
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<tr>
<td>19 Combat Support Vehicles</td>
<td>644.0</td>
<td>707.9</td>
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<tr>
<td>20 PRJL Disconnection</td>
<td>5.8</td>
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</tr>
<tr>
<td>21 BMCG</td>
<td>22.0</td>
<td>22.0</td>
</tr>
<tr>
<td>22 Aging Aircraft Enhancers</td>
<td>30.0</td>
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<tr>
<td>23 T&amp;O Maintenance and Repair (MRP)</td>
<td>45.0</td>
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</tr>
<tr>
<td>24 Real Property Maintenance II (0.2% PR)</td>
<td>679.6</td>
<td>745.2</td>
</tr>
<tr>
<td>25 F-16 Configuration Management</td>
<td>16 (1.2% PR)</td>
<td>16</td>
</tr>
<tr>
<td>26 Contractual Commitments</td>
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<td>12.6</td>
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<tr>
<td>27 Munitions Scrap/Idle/Cargo Movement</td>
<td>127.0</td>
<td>127.0</td>
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<tr>
<td>28 Classified</td>
<td>89.8</td>
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<tr>
<td>29 Readiness III</td>
<td>130.6</td>
<td>130.6</td>
</tr>
<tr>
<td>30 Military Family Housing Improvement Plan</td>
<td>130.6</td>
<td>130.6</td>
</tr>
<tr>
<td>31 Real Property Maintenance III (0.2% PR)</td>
<td>746.0</td>
<td>746.0</td>
</tr>
<tr>
<td>32 Traffic Management Enabler</td>
<td>24.5</td>
<td>24.5</td>
</tr>
<tr>
<td>33 U.S. Upgrades</td>
<td>127.0</td>
<td>127.0</td>
</tr>
<tr>
<td>34 Combat Search and Rescue</td>
<td>126.7</td>
<td>126.7</td>
</tr>
<tr>
<td>35 Ground Training Munitions</td>
<td>19.0</td>
<td>19.0</td>
</tr>
<tr>
<td>36 Airborne/Airborne Enabler</td>
<td>24.6</td>
<td>24.6</td>
</tr>
<tr>
<td>37 C2BMC Sustainment Shortfall</td>
<td>56.0</td>
<td>56.0</td>
</tr>
<tr>
<td>38 Full Combat Mission Training</td>
<td>44.9</td>
<td>44.9</td>
</tr>
</tbody>
</table>

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, etcetera, not to mention the cost of reengineering the airplanes, which the taxpayers will pay for, and the reengineering of the airplanes—you would have thought at least there would have been a hearing, a 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. KYL. I just say to the Senator, in the time I have served with my colleague from Arizona, he has never flipped off 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.

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?

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 the priorities we need the most and not fill the bill 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 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 would take all the resources 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?

Mr. REID. The PRESIDING OFFICER. The Senator from Texas, 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. 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 somehow, I would be interested in 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 new 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 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 decide 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 do not 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. Whether he would offer his amendment during 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 some object 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 amendment on 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.

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 I will continue, through the amendment process, 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 to fight this war. That is the bottom line.

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

Mr. President, I say to the Senator from Arizona, I hope he will stay and listen because I know something about it because, as an appropriator, I am not. I know something about it because, as chairman of the Budget Committee, we saw in the Appropriations Committee 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 multyear pilot program for lease of general purpose aircraft for tanker purposes. That is what this is about. This is a 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 yield for me.

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 the bottom line. I hope we will be able to do that, perhaps next week. I am not sure. I hope we will be able to do that, perhaps next week. I don't know what the bottom line is.
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, significantly, 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 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 from Iowa.

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 767.

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 of 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 its military capability of our country, 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 Secretary 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 Senator should reject this proposal simply because it would benefit the manufacturer of the planes. Well, that argument ignores the facts. These tankers are too old to maintain. 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 an alternative is an essential $8.9 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 action 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 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 fight-}

*stay in the air for long periods of time, and that is only possible through in-flight 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 fighter 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 field. These aircraft fly 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 old 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.

By moving forward with this program, we can 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. It is a critical program. It is the right way to do it.
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 PRESIDENT 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 you as the lone Republican Senate negotiator.

Yesterday’s Roll Call quote 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]

**DELEGATES STIMULUS HURDLE; SENATORS REQUIRE SUPERMAJORITY**

(By Paul Kane)

Setting a high threshold for negotiating an economic 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 Tom Daschle (D-S.D.) told his caucus last week that Democratic Senate-Senate conference would not agree to a stimulus deal if there was significant opposition from within Democratic ranks.

“The bottom line is, we’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 a 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. John 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 Tom Delay (R-Texas); and Rep. Charlie Rangel (D-N.Y.), ranking member on Ways and Means.

Although some progress was reported on those issues, Republicans worried that the Democrats were setting an impossible bar for reaching a deal and openly questioned whether Baucus’ caucus colleagues trusted 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 gives her the right to педагог to determine how many votes would come from their caucus, but rather mandated that negotiators shoot for a deal that cobbles together 60 votes, if needed to break a filibuster.

“That is the essential marker here,” she said.

An aide to Senate Minority Leader Trent Lott (R-Miss.) suggested that Daschle and Democrats simply don’t trust Baucus. “Senate 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 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 terrorist jet 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.”

Baucus said 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 Tuesday to discuss the stimulus negotiations.

Jeffords, who caucuses with Democrats, said the feeling was that the stimulus package 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 said 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 builds 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 that is tilted toward cutting 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 who voted against putting the tax-cut bill on the floor 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 emerge in the Senate, considering there are just two weeks left before the Christmas break. He noted it took a week to work out the floor rules for the conference and determine who would take part.

“The math. We took a week to set the table and say who would sit where,” he said. Negotiators have thus set up a system to monitor the talks, including Breaux, a key moderate, in postconference meetings 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 won’t alter his holdout for a stimulus measure until the Senate approves its own partisan stimulus legislation.

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 approves 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, and the American people 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 helps 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, and the American people 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 helps the peoples’ business.
December 7, 2001

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in mind Senator DASCHLE insisted on one negotiation with a partisan prod-
uct that has not passed the Senate be-
cause it was designed to be partisan.
Republicans accommodated the Senate Democratic leadership. After that,
agreement was reached, I felt some op-
timism. It seemed that all sides real-
ized 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 specula-
tion that the Senate Democratic leadership really wants a stim-
ulus deal. Some say that, inspired by Democratic interest groups and strate-
gists, 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 wants a stimulus bill. The speculation is that, after
that far from a bipartisan test like the two-
thirds rule. I have been flexible on Re-
publican 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 Sen-
ator 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 Sen-
ator from Kansas is recognized for 2
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
preempt me, I am perfectly happy.

Mr. MCCAIN. I am not willing to stim-
ulate the Senate Democratic leaders to
remain on the time previously grant-
ted.

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

Mr. MCCAIN. Madam President, I lis-
tened with interest to the comments,
and I am sure there will be future com-
ments, but these are the following
facts on the airplane. One, on the ac-
quisitions, of the 767, there is no formal
request for it. Two, I had a conversa-
tion with the Secretary of Defense yest-
derday. He did not know about this.
There has been no request from the ad-
ministration, a formal request. Of

I do not know how much time I have,
Mr. ROBERTS. Madam President, I
appreciate the remarks of the Senator
from Washington and the Senator from
Arizona.

First, with regard to the fact that
the Secretary of Defense, according to
the Senator from Arizona, has abso-
lutely 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 from the Sec-

Mr. ROBERTS. 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 Af-
ghanistan—he says: I strongly endorse
beginning to upgrade this critical war-
fighting capability with new Boeing 767 aircraft; I very much look forward
to 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 De-
fense. 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 air-
planes, and I am aware of the fact that
then the Air Force or the Department
of Defense could acquire 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 main-
tenance today. Fifteen percent of our
flights are tied up in depot mainte-
nance. 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 ref-
examination, I think Airbus should not
be able to compete from a capability
dimension. I don’t know where Airbus
do the maintenance. Boeing has a tremen-
dous record with over 2,000 aircraft now
serving nationwide.

If we want to preserve the expedi-
tionary 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 sav-
ing. It also represents something the
Air Force wants, and it represents a
way we can really upgrade their air-
craft.

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 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, 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 go forward.

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 KC-135 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 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 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 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 where 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, regrettable, 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—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 and the amendment has not been offered, that the amendment 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
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 the close of time with votes?

Mr. REID. Yes. This is an effort, while the staff is working on the substitute, for people who have had long-standing 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. 292

Mr. REID. Madam President, I send an amendment to the desk on behalf of Senators WELSTONE, GREGG, DAYTON, DUBIN, 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. WELSTONE, for himself, Mr. GREGG, Mr. DAYTON, Mr. DUBIN, Mr. LEAHY, Mr. BIDEN, Mr. CARPER, and Mr. REID, proposes an amendment numbered 2235.

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(r) of title 32, United States Code, at the request of the President, 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. WELSTONE. 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 the right thing to do. I thank all of my sponsors: my colleague from Minnesota, Senator DAYTON, Senator GREGG from New Hampshire, Senator DUBIN, 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 organizations, representing more than 5.5 million current and former members of the seven unified 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 personnel 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 dedicated to 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 that you have it.

What the Soldiers’ and Sailors’ Civil 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 federal business, but it does give them certain protections.

This is one of them. First of all, on the consumer debt—which is now 6 per cent that goes to all other men and women who are now in the service protecting our country—there is a 6-per-cent 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 so that they 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 other 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 Gov-
ernors at the request of the President, as is the case with many of the Guard
right now.

This distinction, colleagues, is in-
equitable. Those mobilized by a Gov-
ernor at the request of the President face the same financial problems as those mobilized by the President di-
rectly. It is only right that they re-
ceive 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)

WASHINGTON — Minnesota 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 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 con-
tinue paying those called to active duty.

“Within the next month or so it will be-
come extremely tight,” said Dellwo, who has checking account, tuition and mortgage payments to make.

He’s got plenty of company. Capt. Charles Kemper, who oversees the Guard at the Twin Cities area, said the Guard members are “so financially strapped” that he has consid-
ered 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 deploy-
ments. About a third of them have

Kemper, who oversees the Guard at the Twin Cities airport, agreed to do so, Kemper said.

Among other things, the law would pro-

provide financial protection for Guard mem-
bers who have agreed to pay the difference in their sala-
dary. The pay for the Guard starts at $1,300 a

month than he did as an officer with a Twin

Cities police force that does not con-
tinue paying those called to active duty.

“No, Ford, 29, of the West St. Paul Guard

unit, earns $2,500 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 was committed to his mission.

He talked to several people in the Guard who had built up before. So it is some relief

Ford, 29, of the West St. Paul Guard

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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 good friends 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 fear their unemployment. 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 National 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, 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 on 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 sacrifices 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 GREIGG, 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 helping them, 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 civil 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. AKAKA. The Senator from Delaware.

Mr. BIDEN. My colleagues, in 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 their families.

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, very 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 to our way of life? 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. These 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 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 protective 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 who 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 members 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 members 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.

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 with their comrades 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. That is why the principal reason 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 for a solution. I am an original cosponsor of the amendment. I thank my colleague Senator Gregg, a cosponsor of the amendment. I thank my colleague Senator Wellstone.

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 a 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 step 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 National Guard and the Military Coalition and other documents be printed in the RECORD.

There being no objection, the matter is ordered to be printed in the RECORD, as follows:


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 injustice faced by National Guard members who have been called to active duty for Operation Noble Eagle in Title 32 status. National Guard is proud and honored to serve in support of the men and women of our various States, including most likely your own State, 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.

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The Military Coalition believes that all members of the National Guard performing active duty service for a national emergency or at 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.

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 Corp Reserve Officers Assn.
Military Order of the Purple Heart.
National Order of Battlefields 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.

THE MILITARY COALITION.

Alexandria, VA.
Hon. ARLEN SPECTER,
U.S. Senator,
St. Paul, MN.

DEAR SENATOR SPECTER: 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 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 personnel serving 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 nation wide 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.

Sincerely,

THE MILITARY COALITION.

THE MILITARY COALITION.

Alexandria, VA.
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 member who have been called to active duty under Operation Noble Eagle in Title 32 status. National Guard soldiers and airmen called to active duty have not had the protection of the Soldiers and Sailors Civil Relief Act (SSCRA). National Guard Re

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Sincerely,

THE MILITARY COALITION.
Thank you for your consideration of this important matter. If I can provide any additional information, please contact me.

Sincerely,

W. PATRICK ADREOTTI, Major General, Minnesota Air National Guard, The Adjutant General.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES OF AMERICA,


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 make major changes to the Servicemen's 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 their duty. The SSCRA protects the individual and his family from foreclosures, evictions, and the like, from the purchase of real or personal property if the service member’s ability to make payments is “materially affected” by the military service. The act provides a person called to active duty to restatement 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 Noble Eagle are being called up under title 32 and, although they receive some federal benefits, they do not qualify under the SSCRA.

EANGUS believes that all members of the National Guard performing active duty service should be given 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 sources 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 to pay their mortgage. If 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 States’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 harm’s way and will alleviate some of the 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) 519-3896.

Working for America’s Best!

MSG MICHAEL P. CLINT (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 among 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 PRESIDING OFFICER. The Senator from Nevada [Mr. REID], for Mr. DODD, proposes an amendment numbered 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 be dispensed with, that the amendment be dispens ed 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.”
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 replacement for the current tanker fleet. However, I am 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 45 years old, and the 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 buy them piecemeal. 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 the Senator from Arizona and the State of Kansas. I have great respect for the Senator from North Carolina. 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. Mr. President, 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, which is one in which the International Criminal Court nor oversealous prosecutors and judges will ever be able to prosecute American citizens in New York City and at the Pentagon, nor far from here.

The pending amendment ensures that neither the International Criminal Court nor oversealous prosecutors and judges will ever be able to prosecute 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. Dougherty.

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
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 they perform their prescribed duties in foreign countries. Any effort to the contrary by internal or external entities should be thwarted. Our Nation cannot continue to discipline 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?

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.

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 makes sense, and I encourage him to do 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 to protect Americas. 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 to an unfair ICC prosecution without U.S. consent. This could happen to some 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 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.

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Senator DODD. 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 sent to my staff 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. We are here fighting 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, the Senate passage 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 war crime. 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 by the 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 introduced in the 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 majority 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 Sadam Hussein before a criminal court. An integrity has 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 as one way of saying by me 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 Congress of the United States to the International Criminal Court, and we urge the authors of this amendment to

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 the 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, is going to be a consideration. 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. 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 legislation the Administration 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 later. We can then debate this in a proper fashion rather than do it here later.

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 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 later.

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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. DODD. Mr. President, let me tell you what this amendment does, as I read it. This amendment would prohibit the United States from participating in the prosecution of war criminals in 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 the international court if we do not 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, 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, 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 we claim to have about our citizens 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 ironic that today is December 7. Pearl Harbor was attacked, as we all know. We listened to the eloquent remarks of my colleague from Hawaii earlier today. Four years later, the U.S. established a criminal court 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 Constitution with both dealing with the international relations 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 this. 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 said that terrorists and 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, are we 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 happening here, you are being given 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 largely 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 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. President Roosevelt, who presented 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 retribution 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 puts us in the opposite direction.

I am terribly disappointed we are even discussing 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 foolhardy 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 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 good faith in talking to global leaders, or engaging in good faith in talking. 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. Nor would we 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 perpetual 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 could 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 legislation, he stated in 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 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 firm 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, then it is the law of the world, so to speak. Therefore, it is not 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 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 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 desist of its outcome. 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 humanitarians 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 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 President or 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 hanging on and vaguely 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. 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 do not differ on all 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, who are 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, Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, 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 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 Department of Justice 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 debate to be having in this Congress.

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 of 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 commitment to the United Nations principle 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 kind of trial that 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, to be able to bring those who have fallen 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 kind we have 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 us, at least not sustain us in the eyes of 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.

Everyone 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 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 about, 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. There is not going to be a way to game this system that 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 not fallen into the wrong hands and be put on trial.

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. We have not gone to play this game of being a follower but to be a leader. A leader sometimes is to talk to other nations such as the ones I have read about. 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 this 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. We have not gone to play this game of being a follower but to be a leader. A leader sometimes is to say to other nations such as the ones I have read about, to join with these groups of people and sign on to something that 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.

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former Secretary of Defense, and chief executive officer of Forbes, Incorporated. Then there is a distinguished professor, Dr. Jeremy B. Rabin, from the Department of Government, Cornell University, and Ruth Wedgewood, professor of law, at Yale University. That was a good beginning. I was then.

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 A. 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 the consideration on this without a whole lot of gobbledygook 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 I 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 let 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 opposed to the International Criminal Court. I think we should do this. I am opposed to 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 put on 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. France supported the International Criminal Court, as established under the Rome statute, 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 peacemaking 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 guilty of a horrible injustice 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.

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 House of Representatives in 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 International Criminal Court and which are now present, for example, in the War Crimes Tribunal on Yugoslavia. It is not well-known that Carla...
I had an opportunity last January to talk to 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 for some 8 years, and having seen the kind of discretionary action where the hands of the prosecutor is really extraordinary. 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 the information 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 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 would turn over their citizens over to the United States for trial in our courts. However, there had been an international court, I think that might have been achieved.

We had a similar problem in the mid-1980s with a memoir 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.

There then appeared 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 Middle East; 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, we might have been able to form an international court. The amendment offered by Senator DODD which would authorize the use of military force against a friendly country, the Netherlands, I think 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 the original sponsor 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 successful, I would 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 the Rome statute, which means that 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. Under the Rome Treaty, the ICC is intended to come into existence when 60 countries ratify the treaty. Forty-seven countries have ratified the treaty. Each of these countries can be removed from the ICC, but only by other member states. If any country fails to ratify the treaty, the ICC may not come into being. The U.S. has not ratified the treaty, so the ICC can’t try any American soldiers who commit crimes in the United States.

In addition to the United States, 120 other countries have signed the Rome Treaty. It is an international treaty, and its purpose is 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.

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 Treaty, the court is intended to come into existence when 60 countries ratify the treaty. Forty-seven countries have ratified the Rome statute, which means that 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.

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 a court that 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 and supported 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 basic, hard-won constitutional rights.

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 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 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. Moreover, the EU recently sent a letter to Secretary
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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 engage in 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 engaged with the court to ensure that it is a good system that 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 national court. 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 Senate 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.

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 here. 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 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. Mr. REID, I am told some 42 countries have ratified it. 18 of the 19 members 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. I say why sense at all? 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.
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 Director of the American Jewish Committee and 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 somehow give greater protection to that private or corporal or sergeant out there in some God-for-saken land defending our interests is naive. In fact, we put that individual at greater risk because we are not in the room to try 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 have 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 legitmate 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 promote the interests of American citizens and service members as it relates to the International Criminal Court:
(3) The Congress believes that Slobodan Milosevic, 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 rather 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 on the case 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 Ellie Wiesel. I think all of our colleagues know of Ellie 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, Ellie Wiesel wrote the following letter:

Dear Ben and Sam—

Chairman and ranking member of the committee in the other body—I too am concerned by the lack of confidence 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 Nuremberg 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 try individuals 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 the 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 that will lay before us the opportunity to go on record expressing a concern and a desire to have this Court work better.

If you think there ought to be no concern whatsoever, I see 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 the 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 murdering nations, 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 freedom, protecting our children, 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 constitution guarantees apply, it seems to me this debate is about as clear cut as it can be.

We ought to have an international court 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
I think Americans would be astonished 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? 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 jurisdiction who judges put 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 back 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. 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. Could 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. DODD. If I may conclude—other people want to debate—here is my point. When we sent American troops to serve in Japan to serve in Korea, we negotiated agreements whereby they could be tried for local offenses by local authorities. But that is different 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 is 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 this 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 this amendment we are going to be able to walk away. 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. If 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 Laden. 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 an 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 sense we use 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 protect, 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 tribunal, 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 mistakes today. 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 because I 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 actual 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 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 RITCHIE 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 take 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 18 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 these thoughts, 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 a 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 attacks 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 pained 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 buildings in Washington 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 compromise 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 our technology 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 use our technology 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.

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 $1.3 billion 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 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. 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, former Senator 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 our 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 care, this Congress has been 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 countries 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 for the wall 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, 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 in 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, the most powerful weapon which is our harbor. When we were 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 or 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. BARR. Mr. 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 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 War College 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 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.

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 PRESIDENT. No.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDENT. 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 PRESIDENT OFFICER. No.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDENT 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 PRESIDENT OFFICER. No.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDENT 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 PRESIDENT OFFICER. No.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDENT 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.

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. PRESIDENT 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

Dorgan
Dobin
Edwards
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy

Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reid

McCollum
Miller
Markowski
Nelson (ND)
Nickles
Roberts
Sessions
Shelby
Smith (Oklahoma)
Snowe
Stevens
Warner

Not Voting—1

Jeffords

NAYS—21

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Buxton
Byrd
Canwell
Cardin
Capito
Carper
Chafee

Daschle
Dayton
Dorgan
Dodd
Feingold
Feinstein
Franken
Kennedy
Leahy

Levin
Murray
Nelson (FL)
Reid
Sarbanes
Specter
Stan abow
Torricelli
Voinovich
Walton
Wyden

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 PRESIDENT OFFICER. The clerk will read the 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. BREAX, Mr. REID, Mr. ROCKETT, 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 PRESIDENT 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 and Great 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 BREAX, Senator REID, Senator ROCKETT, 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 designed to accommodate air traffic. But when air traffic 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 city of Chicago, but for the 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, it is now 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 of major new 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 last day 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 Democrat 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 15 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 Illinois and mayor of Chicago 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 make 15 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 modernizing O’Hare will fall on the shoulders of the 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 some Members—American Airlines, United Airlines, and Midwest Express have publicly stated their support for this agreement, but they are not the only ones. Today there has been 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 and groups from 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 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 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 was 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. We heard from a witness that is 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 safe.

I am glad my colleagues from Iowa are here because I give both 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, airports in 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 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 safe.

I yield the floor to 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 someone 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 that. O'Hare is a key national and international hub airport, especially for Iowans, 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 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.

I am not familiar with 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, but I am not aware of this is O'Hare and 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 been here all day 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 would 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 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 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 germane 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 political issue that we 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 think it is a sign that what is going on 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 is a good idea that we 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 possibly 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 Kyle 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—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. That also no longer appears to be a 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 left to the 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 we have 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 right here what I am signing. 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 we are 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 an airport where there 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. We do not have 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. That is not my committee. But it is also not the committee for the Department of Defense.

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 that 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 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 amendment. Furthermore, if my friend from Oklahoma is worried about churning 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 waive 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 the time evenly divided?

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. HARKIN. This 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. 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 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 going to be to the point where we 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 criss-crossing 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 too close together. So O’Hare airport needs to be redesigned. They need to have parallel runways that are wide enough and be operated with this. 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 Dunnin, 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.

It is 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.

This is not an exact statement. 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 the heartland, like 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 too 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 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 change on O'Hare, for our smaller airports in the Midwest to feed into. Why do it in the Midwest? We cannot get afford the possibility of delays because O'Hare is already 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 colleagues to withdraw the amendment, and 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 this: is it 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 DOT. And this is vital, I say to my friend from Oklahoma, 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 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 have been able 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 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 are on the runway 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. It is piracy.

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

Mr. GRAMM. I will in a moment. 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 chip 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 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 freeze 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 money—anybody believing this has the 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 basically a deal here, that we have 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
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? How is he going to get 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 he 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.

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 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 thought. What we have here is an effort to irrupt 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. The bill 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 five airports, 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 whether 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 this is 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 our bill, it is of 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 say: 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, they can have it. If the Illinois 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 the same 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. It is the people in Illinois who think the issue of O'Hare expansion is important to their 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 the Illinois delegation. 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 HARRISON, from the south, and Congressman MURPHY, 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.

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, 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. Here, 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 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 that 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 rule from the Chair, I am going to 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 matter 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, is needed 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;

(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 the 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 the law that interferes with, or has the effect of interfering with, implementation of Federal policy with respect to the runway redesign plan including—

(1) 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 Pro-
tection Agency, forthwith cause any such im-
munation eliminate 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 ori-
teled in the east-west direction with the cap-
pability, to the extent determined by the Ad-
ministrator to be practicable, safe and effi-
cient, for four simultaneous independent in-
strumnet aircraft arrivals, and all associated taxiways, navigational facilities, passenger handling facilities and other related facili-
ties, or (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 air-
port layout plan that includes the runway redesign plan shall provide that any runway located more than 2,500 feet south of existing runway 9R–27L shall not begin construction before January 1, 2011.

SEC. 3. CENTER ISLAND 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 pub-
ick roadway access through the western boundary of O’Hare to passenger terminal and parking facilities. Approval of western public roadway 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 air-
port 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 Chic-
ago’s plan for acoustical treatment is financi-
able.

(b) (1) Approval by the Administrator of an air-
port layout plan that includes the runway redesign plan shall be subject to the condi-
tion that the new runway 9R–36R 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 Adminis-
trator shall make the determination re-
quired by this Section.

(2) The Administrator shall—

(i) make the determination using, to the extent practicable, the procedures specified in part 1 of title 14 of the Code of Federal Regulations;

(ii) use the same method for 2000 as for each subsequent 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 located within the 65 DNL noise contour for six or greater decibels using the DNL metric, in-

cluding 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 Adminis-
tiator, unless the Administrator determines

approved or approved under Part 150 of title 14 the Code of Federal Regulations.

SEC. 5. SOUTH SUBURBAN AIRPORT FEDERAL APPROVAL.

The Administrator shall give priority con-
sideration to a letter of intent application
submitted by the State of Illinois or a polit-
sical subdivision thereof for the construction of the south suburban airport. This consider-
ation shall be given not later than 90 days after the Administrator approves the airport layout plan for the south suburban airport has been issued by the Adminis-
trator.

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 Fed-
eral project, provided that

(1) the Administrator finds, after notice and opportunity for public comment, that a continuous course of construction of the run-
way redesign plan has not commenced and is not reasonably expected to commence by Dec-
ember 1, 2004;

(2) Chicago agrees in writing to construc-
tion of the runway redesign plan as a Federal project by the Administrator;

(3) Chicago enters into an agreement, ac-
teptable 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 in-


terests in land property 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 con-
struction, operation, maintenance and use.

(b) The Administrator may make an agree-
ment with Chicago under which Chicago will provide the work described in subsection (a), for the benefit of the United States.

(c) The Administrator is authorized and di-
rected to acquire in the name of the United States all land, easements, rights-of-way, rights of entry and other interests in land 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, 2006, the Adminis-
trator shall withhold all airport grant funds respecting O’Hare Airport, other than grants respecting national security and safety, un-
less the Administrator is reasonably satis-

fied 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 approved or promulgated under section 176(c) of the Clean Air Act, the Environmental Pro-
tection Agency, forthwith cause any such im-
munation eliminate a revision of such implement-
ation plan sufficient for the runway redesign plan to satisfy the requirements of section 176(c) of the Clean Air Act.

(b) Chicago shall provide the work described in subsection (a), for the benefit of the United States.

(c) The Administrator is authorized and di-
rected to acquire in the name of the United States all land, easements, rights-of-way, rights of entry and other interests in land 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.

Mr. INHOFE. Will the Senator yield?

Mr. FITZGERALD. Yes.

Mr. INHOFE. I heard the other Sen-
ator from Illinois talking about all of the people and the officials in Illinois who were upset about it. I 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 col-
leagues on the House side all these years was they wanted to have a third airport.

I have to admit I prefer the provi-
sions of Senator DURBIN’s bill. On a free-standing 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 be-
cause 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 appro-
priations 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 de-
bating this and, in fact, substituting itself for the Illinois State Legislature.

I cast my vote 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 program.

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 bring this issue up with 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 project of 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 analysis 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 six runways and extend 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. In my opinion, there 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 parallel runways should be 1,300 feet apart.

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 has not been subjected to any vetting by any engineering firms or engineering designers, airport designers, airport layout experts, any Federal or State airport entity. The Mayor Daley’s plan is that 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 come up with a more reasonable proposal. Otherwise, I would 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 wrote 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 divert 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 southern 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 access would 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 that 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 traffic. In the city of Elks 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 charge.

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 my colleague, 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 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 there are air carriers in the baggage area at O’Hare Airport have 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 appropriation bill is not the appropriate vehicle to strongly oppose 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 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 committees, and have hearings in the Senate Commerce Committee.

Of course, I was in Chicago when Senator Durbin and Senator McCain early last year had a technical 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 law, if we are going to revise or weaken or the burden on others 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, and very good competition from great air, 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 airport 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 said 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 be to 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

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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 lip service. 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 they mandate for the O'Hare reconstruction project at O'Hare, would have the effect of drying up the justification for going forward with a third airport.

The Senate 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 him—to expand the capacity at O'Hare, which led 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 every other airport 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 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 $3 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 any 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 successful 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 signs of this whole O'Hare expansion, is to gold plate 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 airlines 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, Northwest, which has a dominant position. They have also a dominant position in Memphis and Detroit. If you look at Dallas, in Senator G 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 3, it is entitled: “Necessity of O'Hare Runway Redesign And Development of South Suburban Airport.”

Section 3 (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
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 the 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 of it.

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 alone. 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 of FAA funding to establish and to develop 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 is pretty well gone, certainly on the airworthiness of the runway.

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. I suggest that any money sucked up for O’Hare, or Peotone, would be depleted for other airports around the country. That is the airport improvement funds. Huge amounts of airport improvement 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 is not obligated 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.

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 airlines were treated fairly 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 part based on 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 funds for the most 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. I would suspect that those airports would 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 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—wherever you go, passenger or 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–32L, 19–36.

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. It is not to my constituents or the people of Illinois 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, we have this 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 permit for runway design plan. 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, I think 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, Alabama, Mississippi—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 and laws by 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 will result, within the meaning of section 176c of the Clean Air Act, to an applicable implementation plan approved or promulgated under section 110 of the Clean Air Act 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 176c 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 credit ing 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 runway or a 10–16? 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. Would 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 did have the chance to comment on the language that 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, has been the position 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, together with a 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
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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 ac-
cess on airport property, I think I would prefer that. I will not fight for this. We will give Federal imputus to

something that nobody in this body was intending, perhaps not even sponsored the language, and that is the de-
struction of a large portion of Elk Grove Village, Ill.

I know Elk Grove Village, Ill., 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 at-
tempt to address the noise concerns that are associated by this expan-
sion program, but I think there is a trick. If we look at section (4)(b)(1), it says:

Approval by the administrator of an air-
port layout plan that includes the runway redesign plan shall be subject to the condi-
tion 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 adminis-

trator shall make the determination re-
quired by this section.

The trick is they are comparing to-
day’s fleet with a much quieter fleet in the future. It is not an apples to apples comparison. The apples to apples com-
parison 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 mis-
leading.

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 there is an appropriate bill, the Defense appropriations bill, and I re-
gret that we have to be debating this specific issue tonight.

Section 5 of the bill pays lip service to the south suburban airport issue. It says:

The administrator shall give priority con-
sideration to a letter of intent application submitted by the State of Illinois or a polit-
ical subdivision thereof for the construction of the south suburban airport. This application 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 actu-
ally move the ball forward with respect to the third airport. I suggest to my colleagues 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 mas-
sive expansion at O’Hare and, two, all of this language, the Adminis-
trator give consideration to a letter of intent submitted by the State of Illi-

nois.

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 bit, but that is about all. There is no guar-
antee the third airport would be ap-

proved. In fact, I believe the justifica-
tion for this whole thing 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 mas-
sive expansion of O’Hare has been ap-

proved.

The next section, section 6, is a sec-
tion I think is 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 part agree, 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 expansion plan, at least, in my judgment, some-

thing 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 con-
struct the runway redesign plan as a Federal

project, provided (1) the administrator finds, after public notice and public contro-

tention, that a continuous course of construc-

tion of the runway redesign plan has not commenced and is not reasonably expected to commence in the foreseeable future.

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 disclosing his intentions as to the conference report.

What that means is if there has not been a continuous course of construc-
tion on the runway redesign plan, then the Federal Government, the FAA, the Administrator, Administrator, shall take this project over and shall construct a runway re-
design 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 re-

gard 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, do not take away 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 pre-

empts 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 dele-

gate those responsibilities, then, back to the city of Chicago.

I do not want to see 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 au-

thority to operate O’Hare. They have it because the Illinois Aeronautics Act. But this Federal bill would obliterate the Illinois Aeronautics Act. How would Illi-

nois 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 judg-

ment.

I am sure the proponents, especially United and American, have a lot of em-

phasis on a lot of contractors and sub-

contractors, 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 brokerage for their companies. It is a third airport for generations to come and they would be assured, in my judg-

ment, of not having any effective com-
petition 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 pub-

lic.
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 we are not 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 preempt 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 Illinois Aeronautics Act and 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—State statute passed by the Illinois General Assembly to close Meigs Field. The city has no authority to build. The city can't do it at the Federal level. You can't 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.

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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 Illinois Aeronautics Act when they get back into session next January.

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 proposed 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. We don't have FAA engineers or experts, or those people and bulldoze homes in the city of Bensenville and displace those people and bulldoze homes in the city of Bensenville and displace those people and bulldoze homes in the city of Bensenville. 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 space for parallel runways. They would be appropriately spaced.

We also talked about in addition to the runways being too close together, several of them. 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 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 close together 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.
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,

Hon. Peter Fitzgerald,
U.S. Senate, Washington, DC.

Senator Fitzgerald, as requested from your committee, I am preparing the next obvious concerns that air traffic controllers at O’Hare have with the new runway plans under consideration 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 one at a time 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), the runway is closed to traffic as a precaution for safety reasons. The same is true for the set of runways 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 top of the 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 taxing aircraft to cross active runways. Los Angeles and San Francisco airports are the leading examples of how this can go wrong. The Ryan runway plans have 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 parallel are the same as 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 other runways and the terminal). 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 that are 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 runways (Runways 32L and 32R). This has got to be done 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, there 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 before runway layout designs can be considered for real life use.

Mr. Fitzgerald, Mr. President, this letter raises several concerns. I have to say there is no 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 add another runway. But it should be done in a way 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. 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—east-west, northeast-southwest, and north-south-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.

Refers 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. As publicized, will do little for capacity and safety reasons. The same is true for the set of parallels directly south of the terminal. They too are only 1200’ apart.

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 one at a time 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), the runway is closed to traffic as a precaution for safety reasons. The same is true for the set of runways 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 top of the 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 taxing aircraft to cross active runways. Los Angeles and San Francisco airports are the leading examples of how this can go wrong. The Ryan runway plans have 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 parallel are the same as 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 other runways and the terminal). 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 that are 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 runways (Runways 32L and 32R). This has got to be done 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, there would have to land on icy conditions during strong cross-wind conditions. This is a possible safety issue.

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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 because 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.

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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 60 percent of the time)."

So what he is asking for 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 placeholer 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 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 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."

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"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) we estimated would be less than 1 percent of the time."

"So they leave these runways. Fortunately, generally, there is not much expense in leaving these runways. All these 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. McCAY. Will the Senator yield for a question?"

"Mr. FITZGERALD. Yes."

"Mr. McCAY. How long has the Senator from Illinois been involved in this particular issue?"

"Mr. FITZGERALD. At least dating back to 1992."

"Mr. McCAY. 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. McCAY. 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 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. McCAY. 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? That is correct? Can you illustrate us on what State that was an issue when I was in the State legislature?"

"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 that 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..."
Expressway, are jammed at all hours of the northwestern tollway, I take so long to get into O'Hare that it is difficult to get to areas outside there. Personally, 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, the Kennedy Expressway, which is jammed at all hours of the day practically every day of the week, it would get 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 there under the 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 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 in 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 an agreement, 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 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. Is it outmoded? There have been people in the 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 infrastructure 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 changed. 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, 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.

My other question is, why would you consider making Hare under this plan—Hare under this plan—80, 90, the Kennedy Airport—under this plan—Hare Airports...—under this plan—Hare Airports...—under this plan—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 another 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 any of this came up. We are expediting, 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 Dwyer 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 uns specified 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 from Illinois 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? I 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. 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 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—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. 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 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 wish 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 the 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. I do not think it is 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 is the heartland does affect the 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 all this 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 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. This is the Byrd/Stevens/Inouye, and I am proposing the following amendment. It is the Byrd/Stevens/Inouye amendment to Defense appropriations.

We are working 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, 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 $5.62 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 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, environment, 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.

Emergencies, $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, $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; $96 million to provide for the highway repair 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, $215 million for homeland security; $23 million for the 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 Federal Air Marshals Service; $20 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; $53 million for EPA for anthrax clean-up 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 improvement, the $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 facilities, and defense, 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 390 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; $90 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 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 this 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 $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 $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 to those that were fish 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 increase in transportation security; fourth, repairing public facilities and transportation systems damaged by attacks; and five, supporting national security.

All these funds may be delivered for and 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 am assured by 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, 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 amendments. 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. In the meantime, I yield the floor, confident we will be hearing from the administration in the meantime.

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

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

The amendment 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. 2. 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 surprises 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 priorities. 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 folks, our constituents, 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 asked 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 take 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 this 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 ended, 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 strengthening economy, and South Carolina’s Governor Jim Hodges is taking a $4,000 pay cut as part of his efforts to keep that 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 made by all Americans in 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.

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

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, as the senior chairman 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.

Now, the bomba 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 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 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.

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 charity involved in the aftermath of September 11, if they really truly believe they don’t deserve it.

If they are that guilty riddled, 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 disgrace.’ 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 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—yes 33, nays 65, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—33

Akaka
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Campbell
Cardin
Carper
Chambliss
Clinton
Cochran
Conrad
Craig
Crapo
Diosdado
Durbin
Edwards
Ensign
Erb
Baucus
Brownback
Bunning
Carnahan
Cleland
Collins
Corzine
DeWine
Durbin
Edwards
Ensign
Erb
Dodd
Domenici
Dorgan
Feinstein
Frist
Graham
Gramm
Gregg
Hagel
Harkin
Hatch
Heckler
Hollings
Inhofe
Inouye
Kennedy
Kerry
Kohl
Koppel
Landrieu
Leahy
Lieberman
Lott
McConnell
Mikulski
Markowitz
Murray
Nelson (NE)
Nelson (FL)
Nichkies
Reed
Reid
Rockefeller
Santorum
Saraki
Shelby
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Weston
Woolsey
Wyden

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 fails 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 632(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 and 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.  

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 capability of the United States to design, engineer, produce and support 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 manufacture of military aircraft and related weapon systems, the impact of limited competition in primary contracting on the current and future capability of manufacturers to design, engineer and build military aircraft and weapon systems. The Secretary of Defense shall report to the Senate and House Committees on Appropriations on the design of the JSF 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 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 aircraft will be procured from either of these two companies.  

The 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 right for our country. 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 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 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 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, our future is 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 assessments 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. ‘Al’ 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 RAND 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 $3 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 go to more than one source for our fighter aircraft)?  

A Wall Street Journal article published on Oct. 18, 2001, discusses the stingin 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 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 Undersecretary 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 approving 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, not government 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 defense, and the 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. Our study 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 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 from today. It is estimated that somewhere around 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 who are 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 undoubtedly 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 procurement.

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 this effort through 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 predecessors McDonnell-Douglas have a long history of delivering 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 security risks associated with the future of the future. Boeing’s workforce has a unique expertise. Boeing remains the world leader in developing short take-off
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:

Sic. (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 has a certificate issued under chapter 411 of title 14, 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; and

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 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 air carriers, 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 to 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 the appropriate Federal district court, determined in accordance with section 3191 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 for 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 consequences of those attacks have 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 group.

Inded, 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 forty 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.

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 this 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. We are not meddling with collective bargaining or union politics. We are simply helping two parties under the status quo.

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. We have applied the principles which helped 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. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the quorum be established.

Mr. BYRD. Mr. President, while Senators are working out some matters, I ask unanimous consent that I may speak for not more than 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, 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 90th birthday, I wish to say what a privilege and an honor it has been to serve 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 remoting dark nights or days; 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.

(Appause, 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.

(Appause.)

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.

AMENDMENT NO. 2355

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

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 the order for the quorum call be rescinded.

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 Department 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, of which, not more than $300,000 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 to report on the 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 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 by buying 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.

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.

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. TORRICEILLI. 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 fragmentation munitions in case the single supply.

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. TORRICEILLI. Mr. President, on behalf of myself, Senator CORZINE, Senator BIDEN, and Senator CARPER, proposes an amendment numbered 2356.

The amendment is as follows:

(Purpose: To require a production grant of $2,000,000 to Green Tree Chemical Technologies in order to help sustain that company through fiscal year 2002)

At the appropriate place in division A, insert the following:

"SEC. 1004. For the maintenance and operation of the Army and Related Agencies, $2,000,000 shall be available to Green Tree Chemical Technologies in order to sustain the 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.
AMENDMENT NO. 2357

(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. 2358

(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 funds provided in this Act under the heading, ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE’’, $2,000,000 may be made available for critical infrastructure protection initiative.

AMENDMENT NO. 2361

(Purpose: To make available from research, development, test, and evaluation, Army, $3,000,000 for Medical Development (PE064771N) 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, AIR FORCE’’, $3,000,000 may be available for Agile Combat Support for Rural Low Bandwidth Medical Collaboration System.

AMENDMENT NO. 2362

(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

(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 INTERDUTION AND COUNTER-DU DRUG ACTIVITIES, NATIONAL SECURITY, NAVY’’, $2,000,000 may be 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 provide funds for the Counter Narcotics and Terrorism Operational Medical Support Program)

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 potential terrorist attacks 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).
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 2383, 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; and an amendment for Senator STEIN concerning the Tactical Support Center Mobile Acoustic Analysis System; an amendment for Senator KENNEDY concerning the Air National Guard for an information analysis network; an amendment for Senator HELMS concerning the Display Performance and Environmental Laboratory Project; two amendments for Senator HELMS concerning the Joint Airborne Tactical Electronic Warfare/Electronic Attack 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 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 2383) 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. 3. 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 Atomic Control Technology element, $7,000,000 may be made available for the Nuclear Treaty sub-element of such element for peer-reviewed selection of projects to further 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. 3. Of the amount available in title III of this division under the heading "PROCUREMENT, 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 funds, $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. 3. 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 Force Information Analysis Network (GUARDIAN)).

At the appropriate place in division A, insert the following:

SEC. 3. 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 provide funding for continuation of the Air Force Information Analysis Network (GUARDIAN)).

At the appropriate place in division A, insert the following:

SEC. 3. 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. 3. 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 provide funds 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. 3. 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 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:

AMENDMENT NO. 2375

(Purpose: To express the sense of the Senate that 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 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 Servicemember 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 site 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.
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(b) ELIGIBILITY OF SURVIVING SPOUSE.—The surviving spouse of an individual buried in a grave site in Arlington National Cemetery under the authority provided under subsection (a) shall be eligible for burial in the grave site 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 grave site 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’s National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the authority provided under part II, at the discretion of the Secretary of the Interior, 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:

Sec. 8136. 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. 8136. Of the funds appropriated by this division for other procurement, 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 funds for the 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. 8136. Of the amount appropriated by this division for research, development, test and evaluation, Army, $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. 8136. 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 Ordinance Awareness, and $1,000,000 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 systems)

At the appropriate place in division A, insert the following:

Sec. 8136. 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 (P4 62022P) 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. 8136. 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 (P4 62022P) 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) that DOD disbursements be matched by an amount equal to 50% of 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. 8136. 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. 3009-311, 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 the 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 flapform 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.
December 7, 2001

CONGRESSIONAL RECORD — SENATE

S12659

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 thresholds be maintained at the current level of $5,000,000.00.

I urge my colleagues to support this amendment.

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 defense force protection, $10,000,000 may be made 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. 8138. (a) Of the amount appropriated by title IV of this division under the heading ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY’’. $10,000,000 may be made available for procurement of Shortstop Electronic Protection Systems for critical force protection.

(b) Offsets.—The amount appropriated by title II of this division under the heading ‘‘OPERATION AND MAINTENANCE, NAVY’’, $5,000,000 may be made available for the Broad Area Maritime Surveillance program.

AMENDMENT NO. 2388

(Purpose: To increase by $6,000,000 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. 8139. (a) Increase in Amount Available for Former Soviet Union Threat Reduction.—The amount appropriated by title II of this division under the heading ‘‘OPERATION AND MAINTENANCE, DEFENSE-WIDE’’ is hereby increased by $6,000,000.

(b) Offsets.—The amount appropriated by title II of this division under the heading ‘‘OPERATION AND MAINTENANCE, DEFENSE-WIDE’’ is hereby decreased by $6,000,000.

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 after 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 (PE51103D))

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 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’’ 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, insert 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 (PE60384N))

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 (ALGL)1694906EB, to assist in the procurement of RDT&E, Navy funds for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker ALGL (PE 0609404M))

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 NO. 2386 THROUGH 2395, EN BLOC

Mr. INOUYE. Mr. President, if I may 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 LUGAR, increase former Soviet Union 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:
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 agent sensory; 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 Army warfighting experimentation initiative 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 08051011BG)).

On page 326, between lines 17 and 18, insert the following:

Sect. 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 060238/BF)).

On page 326, between lines 17 and 18, insert the following:

Sect. 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:

Sect. 8135. Of the amount appropriated by title IV of this division under the heading "Research, Development, Test and Evaluation, Army Nutrition Program" $2,500,000 may be made available for the Army Nutrition Project.

**AMENDMENT NO. 2399**

(Purpose: To authorize the availability of $1,200,000 for the Partnership for Peace (PFP) Information Management System).

At the end of title VIII of division A, add the following:

Sect. 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.

**AMENDMENT NO. 2400**

(Purpose: To make available $1,892,000 for the Communicator Automated Emergency Notification System of the Army National Guard).

At the end of title VII of division A, add the following:

Sect. 8135. Of the amount appropriated by title III of this division under the heading "Other Procurement, Army," $1,892,000 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:

Sect. 8135. (a) 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:

Sect. 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) Supplementary. —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:

Sect. 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:

Sect. 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).

**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:

Sect. 8135. Of the amount appropriated by title II of this division under the heading “Operation and Maintenance, Army,” $3,500,000 may be available to enhance the Worker Safety Demonstration Program of the Army.

**AMENDMENT NO. 2406**

(Purpose: To make funds available to enhance the worker safety demonstration programs of the military departments).

At the end of title VIII of division A, add the following:

Sect. 8135. 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 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 Research 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 title IV of this division for research, development, test and evaluation, Navy, $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 (PE060400).)

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 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 TORRICELLI on Coalition for Advanced Biomaterials; an amendment for Senator TORRICELLI on advanced digital recorders for P-3; and an amendment for Senator BINGMAN 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 set aside Army 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 research, development, test, and evaluation, $3,500,000 may be available for the Collaborative Technology Clusters program.

**AMENDMENT NO. 2416**

(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 IV of this division under the heading “OPERATION AND MAINTENANCE, ARMY”, $7,000,000 may be available for Army live fire ranges.

**AMENDMENT NO. 2417**

(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. 2418**

(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. 2419**

(Purpose: To set aside Army RDT&E funds for Compact Kinetic Energy Missile Inertial Future Missile Technology Integration (PE 0602323A, 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. 2420**

(Purpose: To require a report on progress toward implementation of comprehensive nuclear threat reduction programs to safeguard Pakistani and Indian missile 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 PROTECT 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 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) REQUIREMENT.—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 to Congress a report on 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 "PRODUCTION, 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 (PE0708011P) 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 III of this division under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", $2,500,000 may be available for Industrial Preparedness (PE0708011P) 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 of this division under the heading "AIRCRAFT PROCUREMENT, NAVY", $8,960,000 may be available 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 operation for Advanced Biomaterials Technologies and Therapies (CABT) 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, TEST AND EVALUATION, ARMY", $5,700,000 may be made available for the Coalition for Advanced Biomaterials Technologies and Therapies (CABT) 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)
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 (PE065118D).
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, domiced housing units on the Marshall Islands; an amendment for Senator RICK SANTORUM, National Tissue Engineering Center; an amendment for Senator M107 HE 155mm; 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 AAF, an amendment for Senator SHELLBY 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 $1,000,000 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" $1,000,000 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 609617) $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 (P1906219) $2,000,000 of the amount provided for the Army Reserve for operations and maintenance)
Of the funds available in Title II for Operation & Maintenance, Army Reserve, $2,000,000 may be available for land forces readiness-information operations.

AMENDMENT NO. 2432
(Purpose: To set aside for NULKA decoy procurement)
At the appropriate place in the bill, insert the following:

Sect. . 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.
At the end of title VIII of division A, insert the following:

SEC. 8135. (a) * * *.

(b) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of exposure of current and former employees at the facility to hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(c) NOTIFICATION OF EMPLOYERS 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, to radioactive or other hazardous substances at the facility.
   (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.

(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).

SEC. 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.—If by exercising the authority in section 2908 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 appropriate 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.
and an amendment for Senator Daschle on mining.

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

The amendments (Nos. 2439 through 2449) were agreed to, en bloc, as follows:

AMENDMENT NO. 2449
(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 section 121264 the following:

“TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

“SEC. 101. 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 arrangement 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.

“(c) Eligible Entities.—To be eligible to have a project under this section, the entity carrying out the project shall be a legal 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 the direction of the Corporation, 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, after obtaining the permission of an appropriate member of the victim’s family and the entity carrying out the project.

“(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
(Purpose: To improve the bill)

On page 205, after line 12, insert the following:

“AMENDMENT NO. 2442
On page 209, after line 25, insert:

“(Purpose: To expedite the deployment of the intelligent transportation infrastructure system)

On page 191, after line 12 insert:

“SEC. 1001.—In the case of the Transpor
tation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

“(1) by striking “90-day” in paragraph (1) and inserting “180 days”;

“(2) by striking “180 days” in paragraph (2)(C) and inserting “180 days”.

“(b) The amendments made by subsection (a) shall take effect if included in the enactment of the Legislative Branch Appropriations Act, 2001 (Public Law 107–68).”

AMENDMENT NO. 2443
(Purpose: Technical modification of authorizing this or any Act for “Defense Environmental Restoration and Waste Management” at the Waste Isolation Pilot Plant site)

On page 165, after line 22, insert the following:

“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. 107–77), is amended by striking “$2,000,000” and inserting “$5,000,000”.”

AMENDMENT NO. 2446
(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 research and development” the following: “(including research and development with respect to radiological dispersion devices, also known as ‘dirty bombs’)”.

AMENDMENT NO. 2447
(Purpose: To make a technical correction to improve safety of transportation routes to the Waste Isolation Pilot Plant)

On page 165, after line 22, insert the following:

“SEC. 503. NUTWOOD LEVEE, ILLINOIS.
On page 165, after line 22, insert the following:

“SEC. 503. NUTWOOD LEVEE, ILLINOIS.—The Energy and Water Development Appropriations Act, 2002 (Public Law 107–68) is amended by striking “$3,500,000” but be-"
S. 12665

SrC. 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. 502a. (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 testimonial materials 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. 601. (a) GENERAL TRUSTEES.—

The Secretary of State (as a trustee)

(b) 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) 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 Federal Energy Regulatory Commission;

(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) 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;

(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;

(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 ‘‘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. 502. (a) GENERAL TRUSTEES.—

(1) IN GENERAL.—Subsection (a) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) is amended in its last clause by striking or under the heading ‘‘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 trustees 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 trustees 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 trustees offices created by this Act, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives—

(A) shall fill any vacancies among the members of such offices created by this Act until the expiration of the terms of office of the members so appointed;

(B) may use up to $9,500,000 of such funds to construct student housing for the employees of such offices created by this Act; and

(C) may use up to $9,500,000 of such funds to construct student housing for the employees of the offices created by this Act, and shall apply the proceeds of such construction or conversion for the maintenance and operation of such student housing facilities.

(B) SUCCESSING TERMS OF OFFICE.—Upon the expirations of the initial terms of office pursuant to Section 2(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).

(c) HOUKEEPING AMENDMENT.—To con

SEC. 1101. None of the funds appropriated by this Act shall continue after September 11, 2001.

SEC. 1201. Within funds previously appropriated to the Director 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, the Board of Directors, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the ‘‘Secretary of the Smithsonian Institution’’, and the ‘‘Secretary of State’’ shall be governed by subsection (b) of section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h).

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 to 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 106–277, 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. 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:

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 3 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. 2477
(Purpose: To clarify Federal procurement law for certain qualified entities)

On page 186, after line 9, insert the following:

Sec. 603. Section 29 of P.L. 92–203, as enacted under section 4 of P.L. 94–294 (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. 93–282 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. 2486
(Purpose: To provide for the conveyance of certain real property in South Dakota with condemnation, indemnification and for other purposes)

At the appropriate place in the bill insert:

No appropriated funds or revenues generated from 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. 2489
(Purpose: To provide for the conveyance of certain real property in South Dakota to the State of South Dakota with condemnation, indemnification 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.

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 continuing 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 Maine 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 my support for the 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 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 for three Arleigh Burke–class destroyers per year at the FY2002 National Defense Authorization Act is $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 destroyers are built at a 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 and strength of our 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. This places 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 defense bill.

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 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 cornerstone of our 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 destructor and cruiser acquisition. 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 Dunford expressed concern with the program's FY2002 budget, as 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, then 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 am pleased 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 forthright, 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 that 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 like 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:


Mr. DAN L. CRIPPEN, Director, Congressional Budget Office, Ford House Office Building, Washington, DC.

DEAR MR. CRIPPEN: In view of the increased federal expenditures growth as 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 efficient ways to control federal spending. In that regard, we are requesting CBO to score our proposal for improvements to the GSA SmartPay program. This work 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 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 program should 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 incorrect rebates. We have only been able to realize approximately 3.5 million active cards, accounting for approximately $20 billion in annual purchases. The GSA estimates that the SmartPay card program should 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 incorrect rebates.

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There are four specific areas of proposed savings that we would like you to examine:

(a) 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.

i. Roughly 200 retailers nationwide represent 65% of all Visa and MasterCard credit card purchases today. It is our belief that an analysis of SmartPay cards show analogous declines which would allow for targeted negotiations with key vendors who provide significant levels of products and services to the federal government.

ii. There are currently few if any discounts being offered for SmartPay users that are directly tied to the SmartPay card as the purchase mechanism.

(b) Loss and Abuse Reduction: GSA should enable the use of commercial or government credit card programs currently.

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 was 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 high-use vendors. RM consists of collection of all existing rebates and future rebates as well as ensuring that the Issuing Banks are correctly calculating the rebates.

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.

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2. Rebates Management: RM is the aggressive tracking, invoicing, and collection of all applicable rebates that are negotiated with high-use vendors. RM consists of collection of all existing rebates and future rebates as well as ensuring that the Issuing Banks are correctly calculating the rebates.
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 credit card programs, will provide benefits from both the Issuer and the User side of SmartPay programs.

4. Increasing SmartPay Administrative Efficiencies: The implementation of the SmartPay program will allow for application of commercially proven expertise in some areas. It will also serve to expedite approval of card charges and increase risk review and validation. As a result, existing personnel will be able to spend less time on activities required for proving, 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 automate 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 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 Bau cus’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 BACAUS 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 BACAUS 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 useful 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 sent to CBO by Senator BACAUS and myself?

Mr. STEVENS. I would be happy to work with the Senator.

Mr. BURNS. 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 is given to the General Services Administration and discuss this important issue.

NETFIRES—FOGM

Mr. BURNS. Mr. President, I applaud and share Senator INOUYE’S desire to strengthen 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 a 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. Mr. President, how is the administration of the Smart Pay Card Program, to get these improvements and benefits suggested in the letter sent to CBO by Senator BACAUS and myself?

Mr. STEVENS. Mr. President, 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.

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.

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 preventing and anti-terrorism 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. Mr. President, 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.

Mr. INOUYE. Mr. President, I thank the senior Senator from Hawaii. I want to discuss the emerging field of Bioinformatics. Bioinformatics has become one of our most important emerging technologies. Bioinformatics is one of the high-performance 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
Mr. INOUYE. Mr. President, I agree with my colleague. Buffalo is an ideal location for a Center of Excellence in Bioinformatics.

Mr. INOUYE. I agree with my colleague. Buffalo is an ideal location for a Center of Excellence in 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 New York 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 current and developing future HEV technologies to a weapon 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 will provide better fuel and logistics cost savings, increased survivability, and 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 the HIMARS 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 Program, under 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 Crusader to a HIMARS series hybrid electric vehicle platform. I urge the Chairman to support this important transformation project.

Mr. SCHUMER. I appreciate the leadership that Senator INOUYE is taking in today’s transformational 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 Senators STEVENS and NICKLES 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 current form, or 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 INHOFE, 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 a system by 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 support continued to the Army’s weapons system.
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. SCHUMER. 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.

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 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 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 this 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 Appropriations Committee, the Senator from Missouri. 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 threats materialized. The Department should use the authorities it has to accelerate the design and construction of these important facilities.
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 American 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 war-fighting systems. 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 support 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 national defense. 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 30 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, 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.

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 problems. It provides an 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 imperiled 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 life extension for the Minuteman III. 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 Jim’s 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. 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 funding, equipment, and personnel 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 SSGCA was 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, which I believe is extremely important, a little peace of mind.

Although I support this bill, I am against its provision of $3.3 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 defense 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 and improving our 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 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 want to speak to 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 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 veterans has never been more important. This type of fund would support local communities whose 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. Local emergency 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 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 essential 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.

Agriculture: In Minnesota, facilities 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 what is necessary to secure people coming 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 have no facilities and these are facilities 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 inspection as people pass through 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 appropriation is the only way 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 anthrax 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. 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 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 breached 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 surprise attack on America 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 and civilization and won 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 horri-
bles war man had ever known. This
ment will also commemorate the
opening of an institute dedicated to
commemorating the unique and power-
ful 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 great-
est achievements in all of history. The
ultimate victory over enemies in the
Pacific theatre is a testament to the
uncommon valor of American sol-
diers, sailors, airmen, and marines. The
years 1941–1945 also witnessed an un-
precedented mobilization of domestic
industry which in large measure con-
tributed to our safety at home and sup-
plied 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 will always be the pr
imers in the promising words of Presi-
dent 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 said of American mothers abroad and the tireless devotion of
workers at home that made these
words come true.

Though our Nation has seen war
many times, the strength of American
democracy is a testament to the
aberration and not the norm in our so-
ciety. 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 nat-
ural order that children live to bury
their parents. War violates this Na-
tional 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 de-
prives 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 eloquence. In this Chamber
and in many places across the Nation,
the events of Pearl Harbor will be remem-
bered. But the greatest honor we can give to our vet-
erans is the unwritten memorial of
memory, etched not on stone but in the hearts of all who have
survive and gladly toll 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 our country faces, both in the bill’s prior-
ities and in the spirit of bipartisanship
in which it was crafted. I want to com-
mand the Chairman and Ranking Mem-
ber of the Defense Appropriations Sub-
committee 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 crew and sailors carrying out Op-
eration Enduring Freedom and Op-
eration Noble Eagle. In addition, while
taking care of immediate needs, this
bill also considers the future, and pro-
vides funding for the services’ trans-
formation.

One major transformation effort
funded by this bill is the Navy’s SSGN
program. The President’s budget re-
quest included a proposal to begin con-
trolling of the four Trident sub-
marines that would otherwise be re-
tired under the Defense Department’s
plan to reduce the Trident ballistic
missile submarine force from the cur-
rent level of eighteen boats to a new
level of fourteen boats. This bill adds
$193 million to accelerate the program
and provides the option for converting
all four boats.

These converted submarines will pro-
vide the Navy with next generation
technology. In one scenario, the SSGN
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 battle group and al-
most as many asmashawks used in Op-
eration 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
adequate for strike operations and the
remaining platforms would be freed up
for other missions. In addition, this
conversion would be done in a manner
that it would retain the element of surprise
and be relatively invulnerable to at-
tack.

These converted submarines could
also be configured to carry up to 66 spe-
cial operations forces along with two
advanced seal delivery systems or two
drydock shelters. The ability to insert
such a large number of special oper-
ations forces from a position of stealth
would give the navyp an unmatched ca-

One of the bill’s top priorities is
the Nunn-Lugar Cooperative Threat Reduction
program at the Department of Defense,
which I fully sup-
port, but there is no additional money
for the Nunn-
Lugar Cooperative
Threat Reduction
Programs at the De-
partment 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 min-
utes to discuss the funding for ballistic
missile defense. Before September 11,
ballistic missile defense was the ad-
ministration’s top priority. Today, de-
spite weeks of evidence of other press-
ing needs and vulnerabilities that must
be addressed, ballistic defense seems
to be still the administration’s

t 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 Ap-
propriations Committee was that of
the $8.3 billion proposed for missile de-

I find it interesting that today many
of my colleagues opposed the homeland
security provisions in this bill, stating
there was an unwiseful to allocate addi-
tional funds despite the obvious needs.
Yet, there is still support for a 57 per-
cent 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 the funding of the $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,” long before the systems are fully developed, tested and demonstrated to work effectively.

Deploying systems that are not fully developed, and 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 Stanhope, the traditional ballistic missile defense—lead by 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 unbelievable 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 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 to over $1.3 billion. The program is now called a “rush to failure,” and 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 Administration 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 clear 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 based not on partisan politics. They are based on an objective technical assessment of each missile defense program, and are consistent with the principles I outlined earlier.

Given 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, instead of exercising his option to fund programs that are not yet tested and demonstrated. The Administration would still receive $7.0 billion with this option, which is consistent with the four principles I outlined earlier.

Even with these reductions, 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, instead of exercising his option to fund programs that are not yet tested and demonstrated. The Appropriations Committee recommended a reduction of $120 million for SBIRS-Low, and I think this reduction is very wise.

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 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 spend more on 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. We need to make sure the money goes to necessary goods and services that 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 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.

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Mr. DASCHLE. Mr. President, I thank Senator BYRD for his extraordinary leadership in putting together a plan that addresses all of 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 esteemed Senator 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 that.

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 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.

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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.

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Sixty years ago today, more than 4,000 American soldiers and sailors 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 ques-
tion 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.

Mr. HARKIN, Mr. DORGAN, Mr. DURBIN,
Mr. REID, Mrs. FEINSTEIN, Mr. KOHL,
Mr. STEVENS, Mr. COCHRAN, Mr. SPEC-
ter, Mr. DOMENICI, Mr. BOND, Mr.
McCONNELL, Mr. SHELBY, Mr. GREGG,
and Mrs. HUTCHISON confer on the
part of the Senate.

The PRESIDING OFFICER. The Sen-
ator 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 of Representatives, and dis-
agreeing 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 Presi-
ding 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. SPEC-
ter, Mr. DOMENICI, Mr. BOND, Mr.
McCONNELL, Mr. SHELBY, Mr. GREGG,
and Mrs. HUTCHISON confer on the
part of the Senate.

The PRESIDING OFFICER. The Sen-
ator from Alaska.

Mr. STEVENS. Mr. President, I thank
the good friend from Hawaii and con-
gratulate 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 Sen-
ator from Nevada.

Mr. REID. Mr. President, I want ev-
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 unan-
imous consent that the order for the
quorum call be rescinded.

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

AMERICAN AGRICULTURE’S VUL-
NERABILITY 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 De-
tection 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 had testimony in hearings
before the Governmental Affairs Sub-
committee on International Security,
Proliferation and Federal Services
illuminating the vulnerability of Ameri-
can 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 Amer-
ican economy. The combined cash re-
cipts 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 could also create
a ripple effect on businesses that rely
on American agricultural products, es-
specially grocery stores and res-

For example, agroterrorist attacks
could reach across the agricultural in-
dustry of Hawaii, which had $521 mil-

ion in revenues last year. Our live-
stock 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 pounds of milk were pro-
duced by the Hawaiian dairy industry.
Our $100 million pineapple industry
could be attacked with a nematode
pest that causes an estimated 40-per-
cent loss of crop in the first year of in-
festation, and 80- to 100-percent losses in
subsequent crops. Hawai’i’s growing
agricultural tourism industry was worth
$26 million in 2000, and any attacks on
Hawaiian agriculture would also im-
fluence the health and welfare of our na-
tion’s citizens, not to mention hundreds
of millions of men, women, and children
around the globe who depend on Amer-
ican agricultural production for some
part of their daily meals.

My colleagues are aware of the re-
cent completion of the Human Genome
Project to map the basic genetic infor-
mation contained in human chromo-
somes. This vast undertaking in-
volved the sequencing of over three bil-
ion base pairs of genetic information.

The diseases that attack crops and
livestock are caused primarily by bac-
teria, fungi, and viruses. Each of these
microorganisms has its own miniature
Genome that can be sequenced with a
shaped by the Human Genome Project.

In many cases, we still seek to under-
stand the most rudimentary features of
disease-causing microorganisms, re-
gardless of whether they infect hu-
mans, livestock, or plants. By sequen-
cing the DNA of select agricultural dis-
eases agents, we can develop diagnostic
tests to rapidly identify agricultural
diseases; we gain fundamental informa-
tion about how each disease is caused;
and we learn how to mitigate or pre-
vent the negative effects of diseases
that infect crops and livestock.

By preparing to detect the inten-
tional spread of disease through bioter-
rorist attacks on America’s agri-
culture, we are also protecting Ameri-
can crops and livestock from the acci-
dental 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
fruits throughout islands in
Hawaii. However, Hawai’i’s agricultural
system clearly is not the only industry
that would benefit from pathogen de-
tection systems. The fungal pathogen
Fusarium, which infects many Hawai-
ian crops, including sugarcane, ginger,
and banana, also attacks watermelons
in Texas, potatoes in Idaho, and toma-
teas 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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unan-
imous 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.
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 that 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 guarantees for members of the Select 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 the harmless 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 working with my colleagues on veterans legislation.

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


Hon. TRENT LOTT, Senate Minority Leader, U.S. Senate, Washington, D.C.

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 a potential increase in an educational benefit for veterans.

With American servicemen and women on guard at home and standing in harms way abroad, we assert that this bill is a 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.

RETIRED 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 1985, and who had been a caseworker for MIKE from 1982 to 1985 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 the Democratic Services 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 men.

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.
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, Ceremonies 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 a trip to New York. 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. He loved his firefighters. So we invited him to the White House for our annual prayer breakfast, and because I was so intrigued by him, I hosted his prayer breakfast at 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 be 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, it was 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 told him I was on my way. At that moment, I thought I would never hear or see my son Mike during the White House years. We kept everything I had heard about him, and I thought 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 we will never be forgotten, and we are grateful for the blessings of your life. Thank you.
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 from happy birthdays and a happy, rewarding and secure future.

Mr. President, Nevada is a much better place because of the Faiss family.

RETRIEVAL OF JOAN DOUGLAS

Mr. VOINOViCH. Mr. President, I rise today to pay tribute to Mrs. Joan Douglas who will celebrate her 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 important 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 before they entered my office 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 trouble-some 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.

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, 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 be proud of, and we are proud of him for it.

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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 Wild-Life 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 1926. The Arctic Ring of Life builds upon the Institute’s long relationship with the bears of the North. Sprawling over 42 acres, this exhibit will showcase one of his 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 birds, 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 glacier. Following the 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 the 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.

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 overseen 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, Steuart Werner 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 was coming with the general public and answering countless questions from inquiring folks of all ages.

In recent 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 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 national 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. 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 colleagues?

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 be with him. 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. 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, Tennessee Williams, on the campus 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.

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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:
H.R. 2338: A bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers (Rept. No. 107-112).

By Mr. STEVENS, from the Committee on Environment and Public Works, with amendments:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:
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 Pensions 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 with Kathy M. Gonzales 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 for 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, Mr. MUKULSKI, 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. RHEID, Mr. DORGAN, Mr. REID, Mr. RILEY, Mr. AKAKA, Mr. ISRAEL, Mr. HAGEL, and Mr. HAGEL):
CONGRESSIONAL RECORD — SENATE

December 7, 2001

BURNS, Mr. ROCKEFELLER, Mr. BREAUX, Mr. BROWNACK, 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 NICâ€’S records in law enforcement investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. DURBIN):

S. 1790. 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):


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. 168. 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. 925

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. 925, 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. BURNHAM) 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. BINGAMAN) 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. 1284

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 prevent the Secretary of Treasury from relying on 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 small businesses 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 XIV 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.

At the request of Mr. BROWNACK, 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. INHOPE), the Senator from Florida (Mr. NELSON), the Senator from Texas (Mrs. HUTCHINSON), 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, to amend 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. 1712

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOPE) was added as a cosponsor of S. 1745, a bill to delay until at least January 1, 2003, any changes in medical 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.
CONGRESSIONAL RECORD—SENATE

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. 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.

S. RES. 187

At the request of the Capitol Hill 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. RES. 90

At the request of Mr. BINGAMAN (for himself, Mr. LEVIN, Ms. LANDRIEU, the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. 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. 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 Illinois (Mr. 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. 2268

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. 2368

At the request of Mr. Edwards, 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. Allen, 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. Cleland, the name of the Senator from Minnesota (Mr. DURBIN) 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. INOUYE, 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.

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. 2368 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. 2376

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. 2401

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. 2405

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. 2409

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. 2418

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. 2419

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. 2420

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.

AMENDMENT NO. 2439

STATMENTS 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 Act. The 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 values 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, 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 RUDY.

Thanks also are due to General Tillei, 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. I support this National Day of readiness is one of the keys to our freedom. I support this National Day of Military Appreciation Month.

By Mr. DASCHEL (for himself and Mr. JOHNSON).

S. 1797. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

Mr. DASCHEL. 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. 1797

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 1003 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 RIGHTS.—

‘‘(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 FASP Program, the Tribal Resources Grant Program, Hiring, or the COPS in Schools Program.

‘‘(2) PREFERENCES.—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 AMOUNT.—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.—The Attorney General may prescribe, 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 FASP Program, the Tribal Resources Grant Program, Hiring, or the COPS in Schools Program.

‘‘(2) COST SHARE REQUIREMENT.

Of the amount made available for grants under this subsection, 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-2) 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 in detecting and enforcing law enforcement agencies to communicate and operate more effectively; and

‘‘(B) develop and improve access to crime solving and other forensic capabilities, and

‘‘(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, other financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(2) SET-ASIDE.—Of the amount made available for grants under this section, 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 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 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.

(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 $200,000.

(e) FUNDING.—

(1) IN GENERAL.—There shall 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, other financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

SEC. 105. RESTORATIVE JUSTICE.

(a) PURPOSE.—The purpose of this section is to establish a restorative justice program to provide an alternative to imprisonment and court proceedings for 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 reparation boards, as an alternative to, or in addition to, incarceration.

(c) EFFECTIVE DATES.—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 for the proscribing 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 will be capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for 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, 10 percent shall be used to assist tribal governments.

TITLE II—CRAPPING 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. 290b 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 organizations that establish a behavioral health treatment and prevention program 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 submit an application to the Secretary an application at such time, in such form, 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 treatment and prevention pilot program that serves one or more rural areas.

"(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 use.

"(e) AMOUNT OF GRANTS.—The amount of a grant under this section shall be at least $30,000 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 510C of the Public Health Service Act (42 U.S.C. 290b-25e) is amended—

(1) in subsection (c)(1)—

(A) in paragraph (F), by striking "and" at the end of (F), and

(B) by adding at the end the following:

"(g) establish prevalence of use through a community needs assessment;

"(h) develop and design prevention strategies for the community to be served;

"(i) demonstrate the ability to operate a community-based methamphetamine prevention and education program;

"(j) establish prevalence of use through a community needs assessment;

"(k) establish a measurable outcome of a yearly basis; and

"(l) establish the ability to operate a community-based methamphetamine prevention and education program.

"(2) 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.

"(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.

"(4) 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.

"(5) authorize the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

By Mr. SPECTER (for himself and Mr. SANTORUM):

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 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 in Philadelphia, Pennsylvania, as the "Edward R. Becker Lobby"; to the Committee on Environmental and Public Works.

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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—EX- PRESSING 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 following resolution; which was referred to the Committee on Rules and Administration:

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 granting lobbyists privileged access to congressional proceedings is not available to the general public who have official business before Congress; 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 increasing evidence 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 lobbyists 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. 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 protest 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:

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 in Albany, New York, on October 17, 1797, in Albany, New York, the son of William and Ann Henry; Whereas Joseph Henry served as an apprentice to a jeweler, in preparation for attendance at the Albany Academy; Whereas from 1819 to 1822, Joseph Henry attended the Albany Academy and, in the spring of 1822, 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 to make an electromagnet for Yale University in 1831 that was capable of lifting 2,300 pounds, and another electromagnet in 1833, that was capable of lifting 5,500 pounds, and was, at that time, the most powerful electromagnet ever built; Whereas in January 1831, Joseph Henry helped lay the theoretical 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 discovery of self-induction; Whereas Joseph Henry, while conducting research at the Albany Academy, invented an electromagnetic motor made of a horizontality 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 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 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 May 28, 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 a public memorial in February 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 recognize 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. LOUVIN, Mr. DOMENICI, Mr. BINGGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, Mr. KINNEDY, Mr. McCaIN, Mr. GRAHAM, Mr. KERRY, Mr. SMITH, of Oregon, Mr. REID, Mr. LIEBERMAN, Mr. LEONARD) 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 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. 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. McCaIN, Mr. BINGGAMAN, 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. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.
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. Inouye (for Mr. Reid) 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. Gekko) 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. Lucar (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. Reid, 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 Mrs. Collins) proposed an amendment to the bill H.R. 3338, supra.

SA 2396. Mr. Stevens (for Mrs. Collins) proposed an amendment to the bill H.R. 3338, supra.

SA 2397. Mr. Stevens (for Mrs. 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.
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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. HUTCHISON) 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. BOND) proposed an amendment to the bill H.R. 3338, supra.

SA 2459. Mr. INOUYE (for Mr. BIDEN) 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. 783, to extend the effective period of the consent of Congress to the interstate compact relating to the transportation 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. ROCKEFPILLER) proposed an amendment to the bill S. 1088, to amend title 38, United States Code, to facilitate the use of educational funding under Montgomery GI Bill for education leading to high technology industry, and for other purposes.

SA 2463. Mr. REID (for Mr. ROCKEFPILLER) 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. TORRICEILLI, 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 appropriation 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’’, $5,000,000 may be made available for the Gulf States Initiative.

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 appropriate place in the bill for Technical Corrections, insert the following:

Section XXX. Of the funds provided in this Act or any other Act for ‘‘Defense Environmental Restoration and 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. 8135. (a) Short Title—This Act may be cited as the ‘‘Commercial Reusable In-Space Transportation Act of 2001’’.

Sec. 8136. 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 terms.

(2) Reusable in-space transportation systems will introduce higher levels of performance into in-space operations, more efficient and safer satellite disposal, and increase the capability and reliability of existing ground-to-orbit launch vehicles;

(3) 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;

(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 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-based services and enhancing ground-based services to the National Aeronautics and Space Administration; and

(6) Reusable in-space transportation systems will enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and propulsion development to support potential Mars, Pluto, and other NASA planetary missions;

(7) 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 $5,000,000,000 to $10,000,000,000 within a 12 month period, and present major concern for the current backlog of national space assets valued at $20,000,000,000;

(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 and Space and Missile Systems Center, 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 necessary and desirable 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. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ‘business commercial provider’ means any person or entity providing commercial reusable in-space transportation services, primary control of which is held by persons 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 commercial interests;

(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; and designed to be reusable and refueled in space;

(5) The term ‘in-space transportation system’ means the space and ground elements, including the 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. 3. COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION SYSTEMS AUTHORIZED.

(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 $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 to fund any 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 the 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 the Federal Credit Reform Act of 1990;

SEC. 4. TERMS AND CONDITIONS.

Loans made or guaranteed under this Act will be on such terms and conditions as the Administrator determines, 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 the asset to be financed by the loan, whichever is shorter as determined by the Administrator;

(2) No loan made or guaranteed will be subordinate to any other 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; and

(4) No loan will be guaranteed if the income from such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code.

SEC. 5. ADMINISTRATIVE ASSURANCES.

(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 potential terrorist attacks;

(3) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks;

(4) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks;

(5) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks;
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. 8133. 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 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, NAVY” is hereby increased by $1,000,000, with the amount of the increase to be available for the Fleet and Logistics Advanced Technology and made available for Smart Base Technologies (PE2206712IN) for continuation of funding of a program testing for smooth Naval shipyard efficiencies.

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 $1,000,000 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 10.

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. 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”;

(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 the Secretary of the 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. VOINOYICH 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 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 the National Naval Shipyard Efficiency Program.

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. (a) INCREASED FUNDING FOR LPD-17 ADVANCE PROCUREMENT.—The amount appropriated by title III of this division under the heading “SHIPS” is hereby increased by $74,000,000, 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 “SHIPS” is hereby increased by $74,000,000, with the amount of the increase to be available for SC-21 Total Ship System Engineering.

(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” is hereby increased by $1,000,000, with the amount of the increase to be available for P-3 aircraft modifications.

(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 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.** 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 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:

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.

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 the United States will not prosecute any act of aggression that usurps the prerogative of the international community, 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 vital national interests of the United States when they are stationed or deployed around the world. The vote on the Senate's ratification of the Rome Statute, especially when they are stationed or deployed around the world to protect the vital national interests of the United States.

The United States should be free from the risk of international criminal prosecution. No less than members of the Armed Forces of the United States should be free from the risk of international criminal prosecution, 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 vital national interests of the United States when they are stationed or deployed around the world.
chart 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 if they give consent and it does 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) 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 crimes 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 to investigate or prosecute the named individual to proceed; and

(C) In investigations events related to actions by the named individual, none of the following criminal tribunals established by the United States is party to the International Criminal Court; or any other such incentives to induce the release of the individual to the United States; or any other provision of law, no United States government, including any agency or entity of the United States Government or any State or local government, may extradite any person from the United States to the International Criminal Court, or 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 funds appropriated or other provision of law, no funds appropriated or any other provision of law, no funds appropriated or funds appropriated or any other provision of law, no funds appropriated or provision of any kind to the International Criminal Court for any purpose shall support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(f) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to the extent of any 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.

(g) 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 investigation, apprehension, or prosecution of any person; and

(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 investigation, apprehension, or prosecution of any person.

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 of classified national security information and law enforcement information to the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(c) EVALUATING THE DEGREE TO WHICH MEMBERS OF THE ARMED FORCES OF THE UNITED STATES ENGAGED IN MILITARY OPERATIONS UNDER TAKEN BY OR PURSUANT TO THAT ALLIANCE; AND

SEC. 06. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY AN ALLIANCE COMMAND ARRANGEMENT.

(a) AUTHORITY.—The President is authorized to do any 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); and

(2) exculpatory evidence on behalf of that person; and

(d) DEFENSE OF THE INTERESTS OF THE UNITED STATES THROUGH APPEALS TO THE INTERNATIONAL CRIMINAL COURT PURSUANT TO ARTICLE 18 OR 19 OF THE ROME STATUTE, OR BEFORE THE COURTS OR TRIBUNALS OF ANY COUNTRY;

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 engaged in military operations undertaken by or pursuant to that alliance; and

(e) EVALUATING THE DEGREE TO WHICH MEMBERS OF THE ARMED FORCES OF THE UNITED STATES ENGAGED IN MILITARY OPERATIONS UNDER TAKEN BY OR PURSUANT TO THAT ALLIANCE; AND
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).

(c) 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 Dono-van Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) Appropriation Committee.—The term "appropriation committee" means the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Classification Security Information.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor order.

(3) Covered Allied Persons.—The term "covered allied persons" means military personnel, other 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, Canada, Japan, 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, 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.—The term "participate" in any peacekeeping operation under chapter VI of the charter of the United Nations means to participate in any peacekeeping operation under chapter VI of the charter of the United Nations, or to contribute to an international organization that is 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.—The term "peacekeeping operation under chapter VI of the charter of the United Nations" means any military operation to maintain or restore international peace and security that is—

(A) authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; or

(B) paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.


(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.); and

(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. 2766).

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:

Signed—(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 Milosevic, 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 pre-Nations 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 `operations' as used in such Act and in 42 U.S.C. 5122(8) includes facilities and equipment of boards of trade regulated by the Commodity Futures Trading Commission; and (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 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 "DEFENSE, SECURITY, ENERGY-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 BARACHES.—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), including full and complete 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. 601. decrease in amount available for defense purposes.—The amount appropriated by this title under the heading "DEFENSE, SECURITY, ENERGY-DEFENSE WIDE" for the fiscal year 2002 is hereby decreased by $14,000,000, with the amount of the decrease to be available under section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for the Housing Authority of the City and County of Denver, Colorado, to transfer the current housing assistance payments basic rent contract for projects that shall be demolished in the East Village Apartments, to 167 units of housing to be constructed beginning in 2002 and completed by 2006."

SA 2342. Mr. BATH (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. 601. 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 6 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 "project" means—

(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 Multi-family Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437g-1), as referred to in this section as "MAHRAA") among multiple properties having 1 or more owners, as the Committee determines the number of 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 rehabilitation 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 in the ordinary course of the administration by the Secretary of the section 8 program; and

(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 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 defined and constructed, or revitalized), when added with the number of tenant-based section 8 certificates converted by such owner from the original section 8 budget authority or from section 8 certificates, be a number that is not more than 773 at any time;

(E) permitting any owner of a project to use the previously committed 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 to a project-based assistance, without restriction on the mix of such assistance, to an elderly-only facility;

(ii) to demolish the existing retail building on the site; and

(iii) to subdivide the project site and release any use restrictions encompassing non-residential portions of the site; and

(G) to 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, Colorado, to transfer the current housing assistance payments basic rent contract for one project 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. CUMMINGS, Mr. TORRENTA, 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 Administration, encourage a locally developed and executed plan between the State of Illinois, the city or counties, any other 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, the Secretary and the FAA Administrator shall work with Congress to enact a federal solution that addresses the airport capacity crisis in the Chicago area while addressing quality of life issues associated with 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 (title 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. 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 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:

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 2349. 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, AIR FORCE”, $1,000,000, may be be available for Low Cost Launch Vehicle Technology.

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 proviso that such increase shall not be available for Low Cost Launch Vehicle Technology.

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 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, 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 officer candidates; 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, 10392, and 3038 of title 10, United States Code; and for serving on active duty under section 12304(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 1631 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 12304(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 1631 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 12304(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 1631 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 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for the Secretary of the Air Force, to be available for the same purposes.

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 military departments), as authorized by law, $12,984,644,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account, and $35,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, payments may be made on his certificate of necessity for confidential military purposes.

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, $2,023,866,000.

OPERATION AND MAINTENANCE, NATIONAL GUARD

For expenses of training, organizing, and administration of the National Guard and 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

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 Army, 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, AIR FORCE

For the Department of the Air Force, $9,096,000, of which not to exceed $2,500,000 can be used for official representation purposes.

For expenses of training, organizing, and administration of the Air National Guard and 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, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment of military personnel and non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard; repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, authorized by law for the Air National Guard; and expenses incident to the maintenance and use of aircraft, motor vehicles, equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) of which not to exceed $2,500,000 can be used for official representation purposes.
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, and to be transferred to that appropriation as required, and where such transfers are made, 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, remediation 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, and to be transferred to that appropriation as required, and where such transfers are made, 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, $230,355,000, to remain available until transferred: Provided further, 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.

OVRSEAS 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, 405, 2507, and 2501 of title 10, United States Code), $44,710,000, 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 provide the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defectors and former military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $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 COMMUNITY DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Component Command 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; reserve plant and Government and contractor-owned equipment layaway, $2,174,546,000, to remain available for obligation until September 30, 2003.

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, $1,893,891,000, to remain available for obligation until September 30, 2004.

PRODUCTION OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, 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, $4,160,186,000, to remain available for obligation until September 30, 2004.

PRODUCTION OF AMMUNITION, ARMY AND MARINES

For construction, procurement, production, and modification of ammunition, ordnance, 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, $2,174,546,000, to remain available for obligation until September 30, 2003.

PRODUCTION OF ARMORED VEHICLE CARRIERS, ARMY

For construction, procurement, production, and modification of armored vehicle carriers, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including armored vehicle carrier 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.

WEAPONS 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, $8,030,045,000, 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, $1,478,075,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINES

For construction, procurement, production, and modification of ammunition, ordnance, 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, $632,395,000, to remain available for obligation until September 30, 2004.
For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances and tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time items, and design 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:

CARRIAGE Replacement Program (AP), $349,800,000; SSGN (AP), $177,400,000; NSSN (AP), $1,688,914,000; CVN Refuelings, $1,116,124,000; CVN Refuelings (AP), $73,707,000; Submarine Refuelings, $692,265,000; Submarine Refuelings (AP), $37,707,000; DDG-51 destroyer program, $2,996,036,000; Cruiser conversion (AP), $458,238,000; LPD-17 (AP), $155,000,000; LHD-8, $257,238,000; LCS landing craft air cushion program, $52,091,000; Prior year shipbuilding costs, $725,000,000; and the 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, MARINE CORPS
For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordinance (except ordnance for new aircraft, new ships, and aircraft ordnance), necessary for procurement of ordnance, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

- $9,294,211,000, to remain available for obligation until September 30, 2004.
- Provided, That additional obligations may be incurred after September 30, 2004, for engineering services, tests, evaluations, and other such budgetary purposes, for the procurement 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; 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.

PROCUREMENT, AIR FORCE
For construction, procurement, lease, and modification of aircraft and equipment, including support equipment, special equipment, training devices and equipment, spare parts, and accessories therefor; expanded public and private plants; Government-owned equipment and installation thereof in public and private 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 modernization of ordnance, 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, $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 452 passenger motor vehicles for replacement only; and the purchase or 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 $90,000; 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, $3,144,174,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES
For activities by the Department of Defense pursuant to sections 303 and 306 of the Defense Production Act of 1950 (50 U.S.C. App. 2079, 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
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, installation, and operation of facilities and equipment, $7,472,123,000, to remain available for obligation until September 30, 2003.

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $3,805,361,000, to remain available for obligation until September 30, 2003.

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, and operation of facilities and equipment, $7,472,123,000, to remain available for obligation until September 30, 2003.
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, DEPARTMENT OF DEFENSE**

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 and biological warfare materiel 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, 2004, and $365,537,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003.

**DEPARTMENT OF DEFENSE WORKING CAPITAL FUNDS**

For the Defense Working Capital Funds: $1,826,843,000, to remain available until expended: 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 spotters 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 shall not be entitled to federal appropriation of funds to make such purchase under the provisions of title 10 and title 41 United States Code; for Operation and maintenance; for Procurement; and for Research, Development, Test and Evaluation to remain available until September 30, 2003.

**DRUG INTERDICATION AND COUNTER-DROUG ACTIVITIES, DEFENSE**

*(INCLUDING TRANSFER OF FUNDS)*

For drug interdiction and counter-drug activities, $144,776,000, of which $28,003,000 for the Defense Health Program 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 41 United States Code; for Operation and maintenance; for Procurement; and for Research, Development, Test and Evaluation to remain available until September 30, 2003.

**TITLE V REVOLVING AND MANAGEMENT FUNDS**

**DEFENSE WORKING CAPITAL FUNDS**

For the Defense Working Capital Funds: $865,981,000, to remain available until expended: Provided, That such funds transferred from this appropriation are not necessary for the purposes provided hereunder: Provided further, That the transfer authority provided under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which such funds were 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 hereunder, such funds shall be returned to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained in any other 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, for necessary expenses of the Department of Defense, $8,000,000, 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 under the authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military surrogates: Provided, That not more than $900,000 to remain available until September 30, 2004, shall be for Procurement.

**TITLE VII RELATED AGENCIES**

**CENTRAL INTELLIGENCE AGENCY**

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

**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 Fund. The Committee shall remain available until September 30, 2003: Provided, That 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 capability to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local legal proceedings.

**PAYMENT TO KOA‘OLALEE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND**

For payment to Koa‘olalee 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 authorized by this Act shall 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, consular, or other 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 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 it is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $200,000,000 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 space functions) or for the development, construction, or operation of facilities 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 defense requirements that are 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 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 balances in working capital 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, except that 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: Provided further, That the Secretary of Defense may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (a) 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 (b) a contract for advanced procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000, unless the Secretary of Defense and 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 component thereof unless the present value of the multiyear contract would exceed $500,000,000 unless specifically provided for in this Act: Provided further, That no multiyear contract can be initiated 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. The execution 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, that includes an unfunded contingent liability 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 for projects in 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 Defense that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may waive one of the following: military medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Federated States of Micronesia, 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 documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as subsections (a) and (b) of section 1206(b) 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 title 10, United States Code.

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to the Department of the Army. Funds appropriated in this Act solely for the purpose of implementing a Mentor-Protege Program development assistance agreement pursuant to section 801 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 title 10, United States Code.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (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 and exceed the aggregate cost of the components produced or manufactured outside the United States: Provided, That for the purpose of this section manufactured includes cutting, drilling, welding, 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 department responsible for the procurement may waive this restriction, on a case-by-case basis by certifying to the Committees on Appropriations that such an acquisition must be made in order to assure 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 psychological professional who has an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient services provided pursuant to the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospitalization or pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances that are determined 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.

S. 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 in the United States to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

S. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement with host nations specified in the NATO member states, be 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 any such executive agreement 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 shall be covered by such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved by 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.

S. 8020. None of the funds available to the Department of Defense may be used to demilitarize M-1 Garand rifles, M-14 Garand rifles, M-16 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

S. 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.

S. 8022. Appropriations 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 allocated such incentive pay, pursuant to section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

S. 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 2106 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary, on 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 6321(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 6321(b) of title 5, United States Code, and such leave shall be considered leave under section 6321(b) of title 5, United States Code.

S. 8024. None of the funds appropriated by this Act shall be used 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 for a single function activity or 48 months after initiation of such study for a multi-function activity.

S. 8025. Funds appropriated by this Act for the Americanization Service shall not be used for any national or international political or psychological activities.

S. 8026. Notwithstanding any other provision of law, 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 under section 7455 of title 38, United States Code.

S. 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 “Air Craft Procurement, Air Force”: Provided, That the Secretary of the Air Force shall maintain a B-52 aircraft, in- cluding 18 attrition reserve aircraft, during fiscal year 2002: Provided further, That the Secretary of Defense shall include in the Air Force Appropriations Act for the fiscal year 2003 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

S. 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 given an opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

S. 8029. 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 (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.

S. 8030. Of the funds made available in this Act, not less than $23,000,000 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 and support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: Provided, That funds appropriated 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 other entity.

S. 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 administered by an organization managing another FFRDC, or as a nonprofit entity consisting of a consortium of other FFRDCs and other nonprofit entities.

S. 8033. Funds made available in this Act shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.
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 costs by other contracts, to maintain certain charter aircraft, or to include employee participation in community service and/or development.

(b) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,257 staff years of technical effort (staff years) may be used for FFRDCs. That of the specific amount referred to previously in this subsection, not more than 1,029 staff years of technical effort shall be used for the defense studies and analysis FFRDCs.

(c) The Secretary of Defense shall, with the submission of the department’s fiscal year 2003 budget request, submit a report containing a list of the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(d) 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 defense-owned facilities or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada. Provided, That the 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) specification of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive the requirement 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 enactment of this Act.

SEC. 8034. Appropriations contained in this Act, the term “congressional defense committees” means the Armed Services Committee of the Senate, the Subcommittees on Appropriations of the House of Representatives, the Senate and the House of Representatives, as appropriate, and the components of each committee 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 Defense Business Operations Fund may acquire to the extent available, the additional resources necessary to meet the requirements of the Congress and the Secretary of Defense of a certain amount to meet additional costs incurred, with power of delegation, to 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. 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 (1)(B) has violated 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 require the Secretary of Commerce, the Secretary of the Treasury and the Secretary of Agriculture to notify the Congress of the Secretary of Defense’s decision.

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of net cost savings realized by the Department of Defense shall be obligated for the next fiscal year to the extent, and for the purposes, provided in section 2665 of title 10, United States Code.

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under section 1934, and for other purposes, shall be available only until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under 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. 8041. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no consideration or payment (other than a fee as provided for in a proposed fiscal year 2003 procurement request for Such units that are submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation request for such units that are included in the memorandum of understanding, between the United States and a foreign country pursuant to a memorandum of understanding, between the United States and a foreign country pursuant to section 8001 of this Act for programs of the Central Intelligence Agency that remain available at the end of the current fiscal year for in a proposed fiscal year 2003 procurement request, or 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 request shall be submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation request for such units that are included in the memorandum of understanding, between the United States and a foreign country pursuant to section 8001 of this Act for programs of the Central Intelligence Agency that remain available at the end of the current fiscal year for in a proposed fiscal year 2003 procurement request, or during the current fiscal year to appropriations made to the Department of Defense for procurement.

(c) None of the funds appropriated by this Act for programs of the Central Intelligence Agency that remain available at the end of the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2004, may be transferred, or otherwise credited to the Central Intelligence Agency Central Intelligence Agency, and the Defense Business Operations Fund during fiscal year 2004.

SEC. 8042. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force shall, by the Secretary of Defense under the heading “Operation and Maintenance, Defense-
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 to operate civilian or contract personnel 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, Air Forces, 2001/2003, $13,450,000; and
(b) None of the funds available in this Act may be used to transfer or reassign any personnel 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) The section does not apply to field operating agencies funded within the National Foreign Intelligence Program.
SEC. 8058. During the current fiscal year and hereafter, funds appropriated or made available by transfer of funds in this or subsequent Appropriations Acts, for Intelligence Authorization Act to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of an Appropriations Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Acts for Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414).
SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Mili- 
(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” statement, or any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 290B of title 19, 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 procured 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. 8061. Of the funds made available under the heading “Operation and Maintenance, Defense-Wide,” $13,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.
SEC. 8058. During the current fiscal year, funds made available by transfer of funds 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, as provided in section 112 of title 32, United States Code:
Provided, That 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 13922(a)(2) and (b)(2) of title 10, United States Code.
SEC. 8062. (a) None of the funds available under this Act may be used to reduce the author- 
(d) None of the funds made available in this Act may be used for mitigation, on Indian lands resulting from base realignment and closure actions or contracts as to which a civilian official of the Department of Defense, 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) The section does not apply to field operating agencies funded within the National Foreign Intelligence Program.
SEC. 8058. During the current fiscal year and hereafter, funds appropriated or made available by transfer of funds in this or subsequent Appropriations Acts, for Intel-

SEC. 8058. During the current fiscal year and hereafter, funds appropriated or made available by transfer of funds in this or subsequent Appropriations Acts, for Intelligence Authorization Act to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of an Appropriations Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Acts for Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414).
SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Mili- 
(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” statement, or any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 290B of title 19, 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 procured 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. 8061. Of the funds made available under the heading “Operation and Maintenance, Defense-Wide,” $13,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.
SEC. 8062. (a) None of the funds available under this Act may be used to reduce the author- 
(d) None of the funds made available in this Act may be used for mitigation, on Indian lands resulting from base realignment and closure actions or contracts as to which a civilian official of the Department of Defense, 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) The section does not apply to field operating agencies funded within the National Foreign Intelligence Program.
SEC. 8058. During the current fiscal year and hereafter, funds appropriated or made available by transfer of funds in this or subsequent Appropriations Acts, for Intelligence Authorization Act to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of an Appropriations Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Acts for Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414).
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(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” statement, or any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 290B of title 19, 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 procured 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. 8061. Of the funds made available under the heading “Operation and Maintenance, Defense-Wide,” $13,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.
SEC. 8062. (a) None of the funds available under this Act may be used to reduce the author- 
(d) None of the funds made available in this Act may be used for mitigation, on Indian lands resulting from base realignment and closure actions or contracts as to which a civilian official of the Department of Defense, 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) The section does not apply to field operating agencies funded within the National Foreign Intelligence Program.
SEC. 8058. During the current fiscal year and hereafter, funds appropriated or made available by transfer of funds in this or subsequent Appropriations Acts, for Intelligence Authorization Act to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414) until the enactment of an Appropriations Act for that fiscal year and funds appropriated or made available by transfer of funds in any subsequent Supplemental Appropriations Acts for Intelligence Authorization Act for that fiscal year are deemed to be specifically authorized by the Congress for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 414).
SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Mili-
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 available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire non-federal funds and equipment under a contract with the Department of Defense for the repair, maintenance, or renovation of a specific property or facility.

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 non-reimbursable 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 non-reimbursable basis, to the Indian Health Service when it is in conjunction with a civil-relief operation.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is produced in a State that is considered overseas assignments: Provided, That the Secretary of Defense shall be granted authority to accept and expend non-federal funds and non-federal equipment, under a contract with the Department of Defense for the repair, maintenance, or renovation of a specific property or facility.

SEC. 8067. Notwithstanding any other provision of law, each contract awarded by the Department of Defense shall be made available to provide funding for construction of schools located in States that are considered overseas assignments: 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. 8068. 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 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 made available to establish a Department of Defense profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide direct financial assistance to non-profit organizations providing such assistance under a contract with the Department of Defense to 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 the appointment of a clearly defined entity to provide this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds for the purposes of providing the non-federal entity an authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided as reimbursement basis.

SEC. 8070. LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds provided for the Department of Defense for the current fiscal year shall be obligable or otherwise made available in this Act may be used to transport or provide for the transportation of any munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

SEC. 8071. A 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.

INCLUSION OF FUNDING

SEC. 8072. None 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 operation.

SEC. 8073. (a) None of the funds appropriated under the heading—“Program—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. 8074. During the current fiscal year, no more than $30,000,000 of appropriations made available in this Act for the United States is charged by the Department of Defense in the provision of law, each contract awarded by the Department of Defense shall be made available to provide funds appropriated in this Act for any or any other Act.

SEC. 8075. During the current fiscal year, the Secretary of Defense may use any surplus funds available to contract for the repair, maintenance, or renovation of a specific property or facility.

SEC. 8076. For purposes of section 1553(b) of title 10, United States Code, any subdivision 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 that are performed outside the Department of Defense pursuant to section 1202 of title 10, United States Code.

SEC. 8077. That to the extent a federal agency provides assistance for a program under subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may, in consultation with the committees that such an acquisition must be made in order to acquire promptly the necessary skills: Any craft or trade, possess or would be able to possess or acquire promptly the necessary skills: Any craft or trade, possess or would be able to possess or acquire promptly the necessary skills.
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 current appropriation for that purpose, or that for the operation of the military department or defense agency with which the invoice or contract is paid.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, 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 not paid 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 shall be available only if 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 2591 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the 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, and to the extent practicable, 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. Appropriations for fiscal year 2001 in title VI of this Act for facilities and to federally-qualified health care centers: Provided, That the Secretary of Defense shall make a grant in an 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 limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would otherwise reciprocate 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) shall apply only to—
(1) contracts and subcontracts entered into 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 price 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, land, or real property, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 1001.20 to 1001.24, 1001.99, 7019, 7218 through 7229, 7304.41 through 7304.65, and 9401.

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's drug interdiction program, including its demand reduction program involving youth programs, as well as operational and training drug coordination and mission support to 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. 8093. 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 purposes: 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 the Secretary may, in order to facilitate the operation of the military department or defense agency with which the invoice or contract payment is associated, waive this provision 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. 8094. Of the funds made available under this heading—"Operation and Maintenance, Air Force"—less than $1,500,000 shall be made available by grant or otherwise, to the Council of Abrahamic Tribal Governments for assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1967 by the former Arctic Aeromedical Laboratory.

SEC. 8095. In addition to the amounts appropriated or otherwise made available in this Act for training programs delivered before 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. 8096. 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. 8097. (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 limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would otherwise reciprocate 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) shall apply only to—
(1) contracts and subcontracts entered into 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 price 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, land, or real property, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 1001.20 to 1001.24, 1001.99, 7019, 7218 through 7229, 7304.41 through 7304.65, and 9401.

SEC. 8098. 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's drug interdiction program, including its demand reduction program involving youth programs, as well as operational and training drug coordination and mission support to 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. 8099. Notwithstanding any other provision of law, 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"—$93,359,000;
"Operation and Maintenance, Navy"—$15,435,000;
"Operation and Maintenance, Marine Corps"—$1,379,000;
"Operation and Maintenance, Air Force"—$4,408,000; and
"Operation and Maintenance, Defense-Wide"—$10,000,000.

SEC. 8103. None of the funds appropriated or made available in this Act in 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 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 capabilities for national security purposes or there exists a significant cost or quality difference.

SEC. 8104. None of the funds appropriated or made available in this Act in 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 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 capabilities for national security purposes or there exists a significant cost or quality difference.
military and civilian personnel of the Department of Defense shall be assigned to legislatively authorized or legislative liaison functions: Provided further, That the 250 personnel assigned to legislative liaison 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, not more than 10 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 functions, no fewer than 20 percent shall be assigned to the Under Secretary of Defense (Comptroller), the Assistant Secretary of the Air Force (Financial Management and Comptroller), the Assistant Secretary of the Navy (Financial Management and Comptroller), and the Assistant Secretary of the Army (Financial Management and Comptroller).

S. 8996. None of the funds appropriated or otherwise made available by this or any other Department of Defense appropriation Act 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 of such units which may be used for the purpose of conducting official Department of Defense business.

S. 8997. Notwithstanding any other provision of law, funds appropriated under this Act for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas of such units which may be used for the purpose of conducting official Department of Defense business, shall be subject to the legislative and executive constraints to which the congressional defense committees are current when the refunds are received.

SEC. 8097. Notwithstanding any other provision of law, the Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include an analysis of 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 life cycle cost of 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 Government or an area or entity of the United States Government that 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 nonreimbursable 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 non-governmental entity any militarily critical or mission essential information technology system (including a system funded by the defense working capital fund) that is current when the refunds are received.

SEC. 8109. During the current fiscal year, none of the funds available to the Department of Defense for expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries may be used for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of other States, except to an 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 alcoholic beverages other than wine and malt beverages sold by the drink or other State, or in the case of 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 for 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 emergency, 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 in establishing the Federal Health Care Partnership, in order to provide Native Hawaiians with the opportunity to receive Federal funds to be used for the health care services provided by the Indian Health Service.

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 establishing a partnership with the Native Hawaiian program through the Department of Defense that will provide services to the Native Hawaiian program through the 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 in establishing the Federal Health Care Partnership, in order to provide Native Hawaiians with the opportunity to receive Federal funds to be used for the health care services provided by the Indian Health Service.

(b) The Secretary of Defense, in consultation with the Chairmen of the Armed Services Committees of the Senate and the House of Representatives, is authorized to enter into an agreement with the National Indian Health Board, to provide for a continuing federal commitment for health care services and community health services related to the health care of Native Hawaiians, in accordance with any other law applicable to such programs.

(c) For purposes of this section, the term ‘‘Native Hawaiian program’’ means the Native Hawaiian program established by the Department of Health and Human Services, who is a descendant of the aboriginal people who, prior to 1788, 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 Services Corporation, a nationally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grants 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, 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) countering terrorism.

Sec. 8112. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Secretary 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 Secretary 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 6106 of the Department of Defense Appropriations Act, 1997, is amended—

(1) by redesignating subsection (m) as subsection (l); and

(2) by adding after subsection (l) the following:

"(m) AUTHORITY TO ESTABLISH MEMORIAL.—(1) The Secretary of Defense 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 under subsection (l) shall comply with the commemorative works standard under section 401 of the Commemorative Works Act of 1956 (40 U.S.C. 1001 et seq.)."


(1) in subsection (j)(2), by striking "accept gifts" and inserting "solicit and accept contributions";

(2) by inserting after subsection (m) (as added by subsection (a)(2)) the following:

"(n) MEMORIAL.—(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (o); and

(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, $3,000,000,000 shall be available until expended: Provided, That the Secretary of the Air Force 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, $6,500,000 shall be available only for the settlement of subcontractor claims for payment associated with the Air Force contract F19628-97-C-0106, Clear Ravine AFS, Alaska: Provided, That the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors, engaged under the contract, and settle such claims, and any other proviso 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 appropriated elsewhere in this Act, $21,000,000 is hereby appropriated for the Secretary of Defense to establish a Center-terrorist Fellowship Program: Provided, That funding provided herein may be used by the Secretary of Defense to: (i) 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 until September 30, 2003, not to exceed $16,000,000 shall be available for recording, adjusting, and liquidating obligations for the Fiscal Year 1998 Aircraft Procurement, Air Force account: Provided, That the Secretary of the Air Force shall notify the congressionally-mandated committee 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 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, and identify such transformed property provided by the Secretary of the Interior shall be transferred by the Secretary of the Interior to the jurisdiction of the Secretary of the Air Force to be managed as a part of Nellis Air Base. To the extent that 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. 8211. Of the amounts appropriated in this Act under the heading, "Shipbuilding and Conversion, Navy", $725,000,000 shall be available as a supplemental appropriation, not to exceed 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":

NNSN Program, $168,561,000; DDG-51 Destroyer Program, $111,457,000; Under the heading, "Shipbuilding and Conversion, Navy, 1999-2002":

NNSN Program, $62,429,000.

(TRANSFER OF FUNDS)

Sec. 8122. Upon the 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 purposes for which transferred, and for the same period of time as the appropriation from which transferred; Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

From—


TRIDENT ballistic missile submarine program, $78,000;
SEC. 8125. (a) Not later than February 1, 2002, the Secretary of the Navy shall submit to Congress a report on the assistance under this subsection, the Secretary shall provide for escort security vehicles for shipments in the United States. The report shall describe the terms and conditions consistent with the criteria for the Secretary to procure transportation or enter into leases under a provision of law other than this section.
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 improvement of Camp McCain Road which extends from Highway S south toward the boundary of Camp McCain, Mississippi and originating intersection of Camp McCain Road; (d) Improving repairs and safety improvements to the segment of Greensboro Road which connects the Administrative Offices of Camp McCain to the Trouffe Rifle Range. These funds shall remain available until expended: Provided further, That the authorized scope of work includes, but is not limited to, environmental enhancement, 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 materials in S. Naval Shipyards and the procurement of insulation materials different from those in use as of November 1, 2001, unless the Department of Defense certifies to the Congress 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: 

“SEC. 8228. 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 this section. 

(b) Objectives. The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal of, and interest on, a loan made to a lessee by a lessor to enable the lessee to purchase real property or a structure that is, or may be, used to support any objective described in section 8226(a)(1). 

(c) Conditions. (1) A loan made under this section shall be available only to persons that—

(1) are eligible to receive a loan under section 8226(a)(1); and 

(2) have demonstrated financial viability.

(2) Pursuant to section 2226 of title 10, United States Code, the Secretary shall by regulation provide for the transfer of the proceeds of the loan within the meaning of section 8226(a)(1). 

(3) The Secretary shall by regulation provide for the evaluation of cost.

(b) Use and administration. (1) The Department of Defense shall make a direct loan or guarantee of the loan under this section only when—

(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) that the list of agents and toxins defined in section 8226(a)(1) and any such additional agents and toxins as the Secretary may determine are subject to the same procedures for the establishment and enforcement of such measures; and 

(B) that such agents and toxins are handled in a manner consistent with protecting public health and safety; and

(2) the placement and maintenance of such agents and toxins for domestic or international terrorism or for any other criminal purposes; 

(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.

(B) 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 any biological agent or toxin pursuant to subsection (a)(1) in order to protect the public health and safety, including the measures described in paragraph (5) thereof. 

(R) Registration and traceability mechanisms. (a) Exemptions. The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of any biological agent or toxin listed pursuant to subsection (a)(1) and, with regard to the establishment and enforcement of such measures, includes all such additional agents and toxins as the Secretary may determine.

(c) Exemptions. The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of any biological agent or toxin listed pursuant to subsection (a)(1) and, with regard to the establishment and enforcement of such measures, includes all such additional agents and toxins as the Secretary may determine.

(d) Inspections. The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of any biological agent or toxin listed pursuant to subsection (a)(1) and, with regard to the establishment and enforcement of such measures, includes all such additional agents and toxins as the Secretary may determine.

(e) Exemptions. The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of any biological agent or toxin listed pursuant to subsection (a)(1) and, with regard to the establishment and enforcement of such measures, includes all such additional agents and toxins as the Secretary may determine.
"(C) such agents or toxins are transferred or destroyed in a manner set forth by the Secretary in regulation.

(g) SECURITY REQUIREMENTS FOR REGISTRATIONS.

(1) SECURITY.—In carrying out paragraphs (2) and (3) of subsection (b), the Secretary shall develop appropriate security requirements for persons possessing, using, or transferring biological agents and toxins listed pursuant to subsection (a)(1), considering existing information developed by the Attorney General for the security of government facilities, and shall ensure compliance with such requirements as a condition of registration of such biological agents and toxins 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, which information the Attorney General shall promptly use criminal, immigration, and national security databases available to the Federal Government to determine 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 other educational institutions, with appropriate security measures 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.

(b) 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 under this subsection), or any site-specific information relating to the type, quantity, or characterization of a biological agent or toxin, or the actions to date and future plans of the Secretary 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 public health and safety; or

(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction.

(3) CIVIL PENALTY.—Any person who violates any provision of a regulation under subsection (b) or (c) shall be subject to the United States Fine and Forfeiture Act, and shall be fined an amount not exceeding $250,000 in the case of an individual and $300,000 in the case of any other person.

(4) CRIMINAL VIOLATIONS.—Any person who violates any provision of section 112A of the Social Security Act (other than subsections (b) and (c)) shall be fined an amount not exceeding $250,000 and imprisoned for not more than 5 years, or both.
For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Buildings and Facilities”, $75,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Agriculture Quarantine Inspection User Fee Account”, $127,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Patriot Act Activities”, $20,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

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.

CHARTER 2

DEPARTMENT OF JUSTICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Immigration and Naturalization Service Skills and Expenses”, $499,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Immigration and Naturalization Service, for the decommissioning and renovation of former laboratory space in the Hoover building, of which $60,000,000 shall be for a cyber security initiative at the National Infrastructure Protection Center”.

IMMIGRATION AND NATURALIZATION SERVICE

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”, $38,700,000, 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 $55,000,000 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 patrol and support staff on the northern border.

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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “General Legal Activities”, $2,000,000 shall be for a feasibility report, as authorized by Section 405 of Public Law 107–38, of which $2,000,000 shall be for the 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 665 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.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses, General Legal Activities”, $2,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, $35,000,000, 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, United States Attorneys”, $74,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses, United States Marshals Service”, $36,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Federal Bureau of Investigation 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 the former laboratory space in the Hoover building, of which $65,000,000 shall be for a cyber security initiative.
for a cyber security initiative.

in Public Law 107

to be obligated from amounts made available

in Public Law 107

$3,360,000, to remain available until expended, to be obligated from amounts made available

in Public Law 107

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, $3,750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES PATENT AND TRADEMARK OFFICE

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 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 “Salaries and Expenses”, $3,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

United States Funds

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, $3,750,000, 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 “Salaries and Expenses”, $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”, $393,000, 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
CARES 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 COMMISSIONERS
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, for equipment and communication equipment, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

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 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 (TITTL 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.

For emergency expenses for disaster recovery activities and assistance related to the terrorist attacks 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 522300, 522390, 522410, 522430, 522491, 522492, and 524289 of the North American Industry Classification System as described in 13 C.F.R. 121.201, as in effect on January 2, 2001; and

(ii) the Administrator may apply such size standards as may be prescribed in 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)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)), charge an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under section 7(a) to small business concerns as authorized by section 105 of chapter 6 of title 31, United States Code, and shall charge a fee of 0.5 percent of the outstanding balance of disaster loans (as defined in section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2))) made under section 207 of this Act, until such time as such disaster loans have been repaid.

SEC. 203. Not later than April 1, 2002, the Secretary of State shall submit to the Committee on Appropriations, in both classified and unclassified form, a report on the United States Government’s Programs in Science and Technology Agreement of 1979, including all protocols. The report is intended to provide a comprehensive evaluation of the benefits to the United States 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’s economic and technological cooperation with the United States;
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 the joint activities through 2010, including transfers of technology, on China’s economic and military capabilities; and

(6) responses 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 Director of Central Intelligence, the Secretary of Defense, and the Secretary of State.

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 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 Friendly-or-Foe system for integration into F-16 aircraft of the Air National Guard that are being used in continuous air patrols over the United States, or for the procurement of F-16 aircraft for the Air National Guard in connection with providing essential security for the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games;

(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 Non-Defense Emergency Reimbursement Act for Recovery from and Response to Terrorist Attacks on the United States (Pub. 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, 2001, and December 31, 2001: Provided further, That the Secretary of Defense may transfer funds from the Fund to the appropriation: “Support for International Security Cooperation” Defense, and blend 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 Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

Sec. 302. Amounts in the “Support for International Security Cooperation” 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. 256(a), Further, the term “active duty,” in section 5802 of Public Law 104–206 shall include: (1) 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 for 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 Committees on Appropriations of the Senate and the House of Representatives and 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, $17,441,000, of which $622,000 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, $1,052,000, of which $775,000 is for the Fire and Emergency Medical Services Department, $294,000 is for the Metropolitan Police Department, $750,000 is for the Department of Health, and $263,000 is for the Department of Public Works.

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 obligations from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $30,355,000, of which $205,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $8,000,000 is for the Department of Public Works, $7,268,000 is for the Metropolitan Fire and Emergency Medical Services Department, $4,000,000 is for the Fire and Emergency Medical Services Department, $1,081,000 is for the Department of Consumer and Regulatory Affairs, $1,783,000 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, $3,178,500.

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 law-vendor consultant, 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, in addition 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 $14,960,000 is to remain available until September 30, 2003, for emergency traffic management, $5,740,000 is to remain available until September 30, 2003, for the Metropolitan Police Department 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 the Metropolitan Police Department, $309,000 is for the Department of Metropolitan Police, $1,500,000 is for the Department of Health, $1,178,500 is for the Department of Public Works, $398,500 is for the Department of Consumer and Regulatory Affairs, $3,500,000 is for the Department of Human Services, and $1,081,000 is for the Department of Mental Health.
made available in Public Law 107–38 and to remain available until September 30, 2003, for training and planning, $11,449,000, of which $4,600,000 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, $4,575,000 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, $1,000,000 shall be for completion of the fiber optic network project and an automatic vehicle locator system, and $15,900,000 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 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.
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 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”, $25,000,000, to remain available until expended, 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 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”, $300,000,000, to remain available until obligated from amounts made available in Public Law 107-38.

Provided, That none of the $300,000,000 shall be for the cost of reimbursement for future sources.

For emergency expenses necessary to support activities related to counting potential biological or 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; $500,000,000 shall be for grants to hospitals, in collaboration with local governments, to improve capacity to respond to bioterrorism; $165,000,000 shall be used 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 bio-safety laboratories and related infrastructure; $58,000,000 shall be for the National Stockpile; $252,000,000 shall be for the purchase, deployment and related costs of the smallpox vaccine, and $25,000,000 shall be used 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 JUSTICE
FACILITIES
—
Legislative Branch Emergency Response Fund
For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, $34,500,000, to remain available until obligated from amounts made available in Public Law 107-38.

Provided, That none of the $34,500,000 shall be transferred to the “SENE”, “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 “Salaries and Expenses—Legislative Branch Emergency Response Fund” and shall be obligated with the prior approval of the House Committee on Appropriations: Provided further, That none of the $40,712,000 shall be transferred to “Salaries and Expenses—House of Representatives” and shall be obligated with the prior approval of the House and Senate Committees on Appropriations: Provided further, That any Legislative Branch entity receiving funds pursuant to the Emergency Response Fund provided in 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 received to the same or 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.—Provided further, That, of such amount, $12,000,000, to remain available until expended, to be obligated for reimbursement for future sources.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, $180,000,000, to remain available until obligated from amounts made available in Public Law 107-38.

Provided, That $34,500,000 shall be transferred to the “SENE”, “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 “Salaries and Expenses—Legislative Branch Emergency Response Fund” and shall be obligated with the prior approval of the House Committee on Appropriations: Provided further, That none of the $40,712,000 shall be transferred to “Salaries and Expenses—House of Representatives” and shall be obligated with the prior approval of the House and Senate Committees on Appropriations: Provided further, That any Legislative Branch entity receiving funds pursuant to the Emergency Response Fund provided in 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 received to the same or 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.—Provided further, That, of such amount, $12,000,000, to remain available until expended, to be obligated for reimbursement for future sources.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, $12,000,000, to remain available until 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 Mayor’s Office, for an Emergency Employment Clearghouse.

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”, $1,100,000, 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 acts. 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 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”, $1,800,000, 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”, $1,800,000, 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”, $1,800,000, 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 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 31(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 enrollee 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 counting potential biological or 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; $500,000,000 shall be for grants to hospitals, in collaboration with local governments, to improve capacity to respond to bioterrorism; $165,000,000 shall be used 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 bio-safety laboratories and related infrastructure; $58,000,000 shall be for the National Stockpile; $252,000,000 shall be for the purchase, deployment and related costs of the smallpox vaccine, and $25,000,000 shall be used 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.
(c) **AUTHORITY OF CAPITOL POLICE AND ARCHITECT.**

(1) **ARCHITECT OF THE CAPITOL.**—Notwithstanding any other provision of law, the Architect of the Capitol may make any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b).

(2) **SEC. 901. (a) AVAILABILITY OF AMOUNTS FOR 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 shall carry out such military construction projects not authorized by law using amounts appropriated for such military construction project previously authorized by law, the Secretary may carry out such military construction projects not authorized by law, the Secretary shall carry out such military construction projects not authorized by law, the Secretary of Defense determines are necessary to address that emergency. Any person deputized under this section shall carry out provisions of this section.

(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 report not later than 30 days after the end of the fiscal year to the Senate.

(4) **EFFECTIVE DATE.**—This section shall apply to fiscal years 2002 and each succeeding fiscal year.

**OTHER LEGISLATIVE BRANCH ADMINISTRATIVE PROVISIONS**

**S 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.”**

**S 804. (a) 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.**

**S 806. (a) NOTWITHSTANDING any other provision of law, the United States Capitol Preservation Commission established under section 12 of the United States Capitol Preservation Act of 1968 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 901 of title 10, United States Code (188a-2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the United States Capitol Visitor Center.”

**GENERAL PROVISIONS, THIS CHAPTER**

**S 901. (a) AVAILABILITY OF FUNDS FROM AUTHORIZED MILITARY CONSTRUCTION PROJECTS.**

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.

**CHAPTE R 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**

**S 901. (a) AVAILABILITY OF FUNDS 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.

**S 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.**—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 projects not authorized by law using amounts appropriated for the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorism (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.

**S 903. (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 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 transfer 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.
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 107–33.

**FEDERAL HIGHWAY ADMINISTRATION**

**SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ‘Salaries and Expenses’, $6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

**FEDERAL HIGHWAY 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 107–33.
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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, $194,709,000, 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 by Public Law 107–38.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Postmaster General’s Emergency Fund”, $38,194,000, 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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Federal Buildings Fund”, $259,500,000, 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 241 of Public Law 107–73: Provided further, That within 65 days of enactment, the State of New York, in coordination 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 the New York City in the area located on or south of Canal Street, or on or south of Grand Street, or in 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.

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.

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.

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, 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.

SCIENCE, 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.

GENERAL PROVISIONS, THIS DIVISION

SEC. 101. (a) DISCRETIONARY SPENDING LIMITS.

(1) except as otherwise provided in this division, divisions may be cited as the “Emergency Supplemental Act, 2002.”

DIVISION C—SPENDING LIMITS AND BUDGETARY ALLOCATIONS FOR FISCAL YEAR 2002

SUBDIVISION (a) DISCRETIONARY SPENDING LIMITS.—Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985
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is amended by striking subparagraph (A) and inserting the following:

“(a) for the discretionary category: $581,411,000,000 in new budget authority and $670,446,000 in new budget authority.

(b) Revised Aggregates and Allocations.—Upon the enactment of this section, the chairman of the Committee on the Budget 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); and

(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

(c) publish those revised aggregates and allocations in the Congressional Record.

Repeal of Section 202 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 by this Act 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 charge the Treasury balance of direct spending and receipts legitimation for fiscal years 2001 and 2002 under section 252 of that Act to zero.

DIVISION D—TECHNICAL CORRECTIONS

SEC. 107. Section VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107-76) is amended in the heading “Food and Drug Administration” by striking “Salaries and Expenses” by striking “$13,207,000” and inserting “$13,357,000”.

SEC. 108. 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 by striking “Diplomatic and Consular Programs” by striking “this heading” and inserting “the appropriations accounts within the Administration of Foreign Affairs”.

SEC. 109. 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 heading under the Commission on Ocean Policy by striking “appointment” and inserting “first meeting of the Commission”.

SEC. 110. 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 in the heading under the Commission on Ocean Policy by striking “Commission on Ocean Policy” by striking “this appointment” and inserting “first meeting of the Commission”.

SEC. 111. Title V, section 2105 of title 5, United States Code, for purposes of chapter 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 determination shall be irrevocable with respect to each individual appointed as Director, and the Commission shall notify the Office of Personnel Management of Labor of its determination. Notwithstanding the Commission’s determination, the Director’s service is deemed to be Federal service for purposes of chapter 81 of that title.

(b) Detailer Serving as Director.—Subparagraph (A) shall not apply to a detailer who is serving as Director.

(c) 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. 110. (a) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, $29,522,304 shall be set aside for the project as authorized under title IV of the National Highway System Designation Act of 2005:

Provided. That, if funds authorized under these provisions have been distributed then the amount so specified shall be recalled proportionately from those funds distributed to the States under section 110(h)(4)(A) and (B) of title 23, United States Code.

(b) 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 the National Highway System Designation Act of 2005, not less than $4,000,000 shall be available to carry out section 111(d) of the Transportation Equity Act for the 21st Century, as amended.

SEC. 111. 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 implementation of funds derived from the pipeline safety fund shall remain available until September 30, 2004.

SEC. 112. (a) Notwithstanding any other provision of law, if the funds authorized under section 110 of title 23, United States Code, are not made available for the National motor carrier safety program, $5,896,000 shall be for State commercial driver’s license program improvements.
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, provided further, for the Transportation and Community and System Preservation Program, $300,000 shall be for the US-61 Woodville widening project in Mississippi and $2,000,000 made available for the Interstate Maintenance program, $5,000,000 shall be for the City of Renton/Port Quinault, WA project.

SEC. 111. 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 CERTIFICATE FUND

SEC. 114. Of the amounts made available under both this heading and the heading “Construction” of 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 Housing Equity Act of 1997, and for new obligations for such technical assistance: Provided, That of the total amount provided under this heading, no more than $2,000,000 shall be made available for 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 the total amount provided under this heading, no more than $2,000,000 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 funds for technical assistance does not meet the requirements of section 514, the Secretary of Housing and Urban Development (“Secretary”) shall require any amounts obligated in violation of this section to be returned and any amounts obligated under the requirements of section 514 not used to be returned.

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 MEM- BER 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 VIR-GINIA 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.

(b) AUTHORITY OF SECRETARY.

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 In-
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 6026(f), insert the following:

Section 8022 of title 49, United States Code.

Section 8034 of title 49, United States Code.

Section 8036 of title 49, United States Code.

Section 8042 of title 49, United States Code.

Section 8044 of title 49, United States Code.

Section 8046 of title 49, United States Code.

Section 8048 of title 49, United States Code.

Section 8050 of title 49, United States Code.

Section 8052 of title 49, United States Code.

Section 8054 of title 49, United States Code.

Section 8056 of title 49, United States Code.

Section 8058 of title 49, United States Code.

Section 8060 of title 49, United States Code.

Section 8062 of title 49, United States Code.

Section 8064 of title 49, United States Code.

Section 8066 of title 49, United States Code.

Section 8068 of title 49, United States Code.

Section 8070 of title 49, United States Code.

Section 8072 of title 49, United States Code.

Section 8074 of title 49, United States Code.

Section 8076 of title 49, United States Code.

Section 8078 of title 49, United States Code.

Section 8072 of title 49, United States Code.

Section 8080 of title 49, United States Code.

Section 8082 of title 49, United States Code.

Section 8084 of title 49, United States Code.

Section 8086 of title 49, United States Code.

Section 8088 of title 49, United States Code.

Section 8090 of title 49, United States Code.

Section 8092 of title 49, United States Code.

Section 8094 of title 49, United States Code.

Section 8096 of title 49, United States Code.

Section 8098 of title 49, United States Code.

Section 8100 of title 49, United States Code.

Section 8102 of title 49, United States Code.

Section 8104 of title 49, United States Code.

Section 8106 of title 49, United States Code.

Section 8108 of title 49, United States Code.

Section 8110 of title 49, United States Code.

Section 8112 of title 49, United States Code.

Section 8114 of title 49, United States Code.

Section 8116 of title 49, United States Code.

Section 8118 of title 49, United States Code.

Section 8120 of title 49, United States Code.

Section 8122 of title 49, United States Code.

Section 8124 of title 49, United States Code.

Section 8126 of title 49, United States Code.

Section 8128 of title 49, United States Code.

Section 8130 of title 49, United States Code.

Section 8132 of title 49, United States Code.

Section 8134 of title 49, United States Code.

Section 8136 of title 49, United States Code.

Section 8138 of title 49, United States Code.

Section 8140 of title 49, United States Code.

Section 8142 of title 49, United States Code.

Section 8144 of title 49, United States Code.

Section 8146 of title 49, United States Code.

Section 8148 of title 49, United States Code.

Section 8150 of title 49, United States Code.

Section 8152 of title 49, United States Code.

Section 8154 of title 49, United States Code.

Section 8156 of title 49, United States Code.

Section 8158 of title 49, United States Code.

Section 8160 of title 49, United States Code.

Section 8162 of title 49, United States Code.

Section 8164 of title 49, United States Code.

Section 8166 of title 49, United States Code.

Section 8168 of title 49, United States Code.

Section 8170 of title 49, United States Code.

Section 8172 of title 49, United States Code.

Section 8174 of title 49, United States Code.

Section 8176 of title 49, United States Code.

Section 8178 of title 49, United States Code.

Section 8180 of title 49, United States Code.

Section 8182 of title 49, United States Code.

Section 8184 of title 49, United States Code.

Section 8186 of title 49, United States Code.

Section 8188 of title 49, United States Code.
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 division A, insert the following:

SEC. 3. (a) ASSESSMENT REQUIRED.—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committee on Appropriations of the Senate and House of Representatives a report containing an assessment of the requirements for the destruction of chemical weapons, 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 2362. Mr. INOUYE (for Mr. REID) proposed an amendment to the bill H.R. 3338, making appropriations for Agile Combat Support 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. 1. 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 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. 2. Of the total amount appropriated by the Department of Defense for the fiscal year ending September 30, 2002, $6,000,000 may be available for Agile Combat Support for the Rural Low Bandwidth Medical Collaboration System.

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 division A, insert the following:

SEC. 3. 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-Intelligence and Maintenance 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 4. 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. MCCOLLUM) 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. 1. Of the amount appropriated by title III of this division under the heading “ACquisition, AMC, Army” of the Appropriations Act, $11,000,000 may be made available for procurement of Sensor Fused Weapons (CHU-97).

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. 2. Of the amount available in title III of this division under the heading “ACquisition, NAVY, Air Force”, $2,000,000 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 appropriate place in division A, insert the following:

SEC. 3. Of the amount available in title III of this division under the heading “ACquisition, NAVY, Air Force”, $8,000,000 may be 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. 2. Of the total 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 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. 3. Of the funds made available in Title II 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 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. 1. 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. 1. 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 outsourcing 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 EN-VIRONMENTAL 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 the Government of the Philippines and with appropriate non-governmenal 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 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. 3388, 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 fund appropriated by this division for research, development, test and evaluation, $2,000,000 may be used for the Collaborative Engineering, reduced signature, multifunctional composite materials.

SA 2377. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 3388, 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:

"...and for other related legislation."

SA 2378. Mr. STEVENS proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:"

"...and for other purposes; as follows:

SEC. 8135. 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 the Three-Dimensional Ultrasonic Imaging Initiative II."

SA 2379. Mr. STEVENS (for Mr. MCDONNELL) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:"

"...and for other purposes; as follows:

SEC. 8135. Of the fund appropriated by this division for research, development, test and evaluation, Navy, up to $4,000,000 may be used for producing low cost, improved performance, reduced signature, multifunctional composite materials.

SA 2380. Mr. STEVENS (for Mr. GRIEGER) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Army, up to $6,000,000 may be used for the Collaborative Engineering, reduced signature, multifunctional composite materials.

SA 2381. Mr. STEVENS (for Mr. SHEFLY) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

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 the Collaborative Engineering, reduced signature, multifunctional composite materials.

SA 2382. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Army, $3,000,000 may be available for the Three-Dimensional Ultrasonic Imaging Initiative II."

SA 2383. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the amount appropriated by title IV of this division for research, development, test, and evaluation, Army, up to $6,000,000 may be used for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SA 2384. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Air Force, $5,000,000 may be used for the Surveillanse Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SA 2385. Mr. STEVENS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the amount appropriated by title IV of this division for research, development, test, and evaluation, Army, $5,000,000 may be available for the Three-Dimensional Ultrasonic 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. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Army, $2,000,000 may be available for the Collaborative Engineering, reduced signature, multifunctional composite materials.

SA 2387. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3388, 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:

"...and for other purposes; as follows:

SEC. 8135. Of the amount appropriated by title IV of this division for research, development, test, and evaluation, Army, up to $6,000,000 may be used for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SA 2388. Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3388, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:
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 total 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. HAGEMAN, Mr. LANDRIEU, 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:

(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 IV under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby decreased by $46,000,000.

SA 2390. 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 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. 2001 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:

SNC. (a) 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.

(b) 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.

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:

SNC. 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 production, and beddown for, 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 bed-down 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:

On page of the original text, or at the appropriate place, insert the following:

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 325, between lines 17 and 18, insert the following:

SNC. 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 the Partnership for Peace Information Management System. Any amount made available for the Partnership for Peace Information Management System under this Act is in addition to other amounts available for the Partnership for Peace Information Management System.

SA 2395. 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:

On page 325, between lines 17 and 18, insert the following:

SNC. 8135. (a) 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.

(b) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Navy, up to $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 2396. Mr. STEVENS (for Ms. COLINS) 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 325, between lines 17 and 18, insert the following:

SNC. 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 Partnership for Peace Information Management System.

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:

SNC. 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 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:

SNC. —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.
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 for and under subsection (a) for the Consolidated Interactive Virtual Information Center of the National Guard is in addition to any other amounts available under 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, DEFENSE-WIDE”, $1,200,000 may be available for concept development and comprehensive concept and systems and structures, 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, Air National Guard, $135,000 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 Aerol 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. 8135. 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 under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, $7,000,000 may be available for the Worker Safety Demonstration Program of the Air Force.

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 IV of this division under the heading “OPERATION AND MAINTENANCE, NAVY”, $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 IV of this division under the heading “OPERATION AND MAINTENANCE, NAVY”, $7,000,000 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 II of this division for operation and maintenance, Navy, for civilian manpower and personnel management, $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 IV of this division under the heading “OPERATION AND MAINTENANCE, 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 “OPERATION AND MAINTENANCE, NAVY”, $5,000,000 may be made available for a program at the Naval Medical Research Center (NIMRC) 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:

On page 326, between lines 17 and 18, insert 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:
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 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’’, $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 appropriated by title III of this division under the heading ‘‘AIRCRAFT PROCUREMENT, ARMY’’, $7,500,000 may be available for AUV-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 appropriated by title IV of this division under the heading ‘‘AIRCRAFT PROCUREMENT, NAVY’’, $9,600,000 may be available for the Navy for four Huskkit noise inhibitors for C-9 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 appropriated by title III of this division under the heading ‘‘AIRCRAFT PROCUREMENT, ARMY’’, $4,000,000 may be available for Advanced Digital Recorders and Digital Recorder Producers for F-3 aircraft.

SA 2424. Mr. INOUYE (for Mr. TORRICE) 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’’, $2,500,000 may be available for Advanced Digital Recorders and Digital Recorder Producers for F-3 aircraft.

SA 2425. Mr. INOUYE (for Mr. BINGMAN) 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 here- by be made available as follows:

(1) $8,000,000 for Big Crow (PE 60511BD).

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 di- vision under the heading ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE’’, $2,500,000 may be available for the development of the Dome Program.

SA 2427. Mr. STEVENS (for Mr. SHEFFIELD) 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 ‘‘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 project at the University of Maryland Medical 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 made available in Title IV of this division under the heading ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY’’, $14,000,000 may be available for the development of the Dome Program.

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 made available in Title IV of this division under the heading ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY’’, $5,000,000 may be available for the development of the Dome Program.

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 made available in Title IV of this division under the heading ‘‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE’’, $14,000,000 may be available for the development of the Dome Program.
$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. KENNY) proposed an amendment to the bill H.R. 3338, making appropriations for the United States Army for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII of this division, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading “Research, Development, Test and Evaluation, Navy,” $10,000,000 may be available for Low Cost Launch Vehicle Technology.

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 this division, insert the following:

SEC. 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654–263) is amended—

(a) by inserting—

‘‘(A) in subsection (1), by inserting ‘‘(A)’’ after ‘‘(A)’’; and

(b) by inserting—

‘‘(A) in paragraph (1), by inserting—

‘‘(B) in paragraph (3), by striking ‘‘(A)’’ and inserting ‘‘(A)’’;’’.

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 this division, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading “Research, Development, Test and Evaluation, Army,” $10,000,000 may be available for the NULKA decoy procurement.

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 this division, insert the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading “Research, Development, Test and Evaluation, Navy,” $1,000,000, may be available for the NULKA decoy procurement.

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 are 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 make use of 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 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) and 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)(D).

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 H and insert the following:

SEC. 902. (a) FUNDING FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.—If in exercising the authority in section 208 of title 10, United States Code, to carry out military construction projects not authorized by law, the Secretary of Defense utilizes, wholly or in part, funds appropriated 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, on- and off-site, and remediation efforts at facilities referred to in paragraph (1).
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 AMERICANISM.

(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:

“TITLES 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 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 community-based national and community service projects that meet the requirements of paragraph (1), 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.

“(B) list 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

“(2) Eligible Entities.—The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of paragraph (1), 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.

“(d) Projects.—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.

“(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 162, after line 19, insert:

SEC. 119. (a) The Legislative Branch Appropriations Act, 2001 (Public Law 107-68) is amended—

“(1) by striking “30-day” in paragraphs (1) and (2) of section 1111, respectively;

“(2) by striking “60-day” in paragraph (2) of section 1111, respectively;

“(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 209, after line 25, insert:

SEC. 110. (a) In title V of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107-77), section 511(b)(3) is amended—

“(1) by striking “90-day” in paragraph (1) and inserting “90 days”;

“(2) by striking “90-day” in paragraph (2) 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 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:

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 (Public Law 107-77), section 511(b)(3) is amended—

“(1) by redesigning 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.—(1) After an intelligent target infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has been deployed, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the initial deployment area 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.

“(2) 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 the deployment area that has committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for 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 paragraph (b).

“(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, 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.”;

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 165, after line 22, insert the following:

SEC. 101. Section 741 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107-76), is amended—

“(1) by redesigning subparagraphs (C), (D), (E) and (F) as subparagraphs (D), (G), and (H), respectively;

“(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Follow-on Deployment.—(1) After an intelligent target infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has been deployed, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the initial deployment area 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.

“(2) 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 the deployment area that has 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 paragraph (b).

“(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, 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.”;

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:
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:

"(c) For carrying out the operations and maintenance of existing power plants and for constructing additional power plants under this chapter, the Secretary of the Army, acting through the Chief of Engineers, may initiate construction on the Nutwood Levee, Illinois project.

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 166, line 22 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 4502 of title 39, and to recommend new rates and qualifications to reduce service levels."

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 186, after line 15, insert:

"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, after 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 4502 of title 39, and to recommend new rates and qualifications to reduce 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. 7. 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; and

(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;

(ii) the Speaker and the Minority Leader of the House of Representatives;

(iii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

(iv) 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 terms 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 186, 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 by inserting the word ‘‘thirty’’ for the word ‘‘sixty-three’’.

(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) Expiration of Initial Term.—The initial terms of office of all new general trustee offices created by this Act shall expire September 1, 2007.

(B) 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.

(C) Succeeding Terms of Office.—Upon the expiration of the initial terms of office provided in subsection (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).

(D) 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 ‘‘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 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 111 and 1312 of Public Law 105-277, 112 Stat. 2681-776), sub-section (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. 204. Appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

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**SA 2456. Mr. DOMENICI (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 1974 (43 U.S.C. 509) is amended as follows:

(1) by inserting in Section 4(c) after "2000," and before "votes:"); and
(2) by inserting in the Start of section 4 after "levels," and before "plus:"); and
(3) the additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001,

and the following:

and effective October 1, 2001, not to exceed an additional $32,000,000 (October 1, 2001, price levels)."

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**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:

"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) The House of Representatives confirms that Federal procurement programs for tribes and Alaska Native Corporations are enacted pursuant to its authority under Article 1, Section 8 of the United States Constitution.

(B) any entity defined in subparagraph (e)(2) of this section or section 6 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 the Micro Business Enterprise Act of 1983 (43 U.S.C. 1626), 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."

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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 the bill, add the following:

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**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 conducting certain types of particle physics and other research; and

(4) the Mine has been selected by the National Research Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory; and

(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, and the South Dakota National Research Laboratory Administrator proposes to be conveyed for establishment and operation of the laboratory; and

(8) such an entity, at the request of Homestake, must have potential liability with respect to the transferred property; and

(9) the United States Information Agency, the laboratory, and the transferor must agree on a contract or agreement that provides for maintenance of existing facilities and services for Homestake and the laboratory; and

(10) Homestake and the South Dakota National Research Laboratory Administrator have expressed interest in implementing such an agreement;

(11) 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) the laboratory is the only site at 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 assume a portion of any potential future liability of Homestake concerning the Mine; and

(14) 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 Secretary under section 4(a).

(4) FUND.—The term "Fund" means the Environment and Project Trust Fund established under section 8.

(5) SCIENTIFIC COMMITTEE.—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.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given in the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—(A) General.—The term "laboratory" means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) Inclusions.—The term "laboratory" includes operating and support facilities of the laboratory.

(9) MINE.—(A) General.—The term "Mine" means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State.

(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 from 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), membership, 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) INCLUSION.—The term “State” includes an institution, agency, officer, or employee of the State.

SEC. 4. CONVEYANCE OF REAL PROPERTY.

(1) IN GENERAL.—
(A) 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.

(B) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(2) DUE DILIGENCE INSPECTION.—
(A) IN GENERAL.—As a condition precedent of conveyance, the assumption of liability by the United States in accordance with this title, the Administrator shall accept inspection 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, and title to the Mine shall pass from Homestake to the State.

(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 submitted to the Administrator 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.

(III) 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 of liability by the Federal Government of liability concerning the Mine under this title.

(C) RESPONSE ACTIONS AND CERTIFICATION.—
(I) RESPONSE ACTIONS.—
(A) 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 presents an imminent and substantial endangerment to public health or the environment.

(B) LONG-TERM RESPONSE ACTIONS.—
(i) 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, the Administrator shall not later than 180 days after the date of the first report developed in accordance with section 4(b)(3) is submitted to the Administrator under subparagraph (B)(i) that presents an imminent and substantial endangerment to public health or the environment, and after the Administrator has accepted the final report submitted under section 4(b)(3), issue a statement identifying the Mine, and the Administrator shall require the Mine owner—
(II) 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 paragraph (2), the independent entity shall submit to the Administrator a certificate 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 subparagraph (I), the Administrator shall accept or reject the certification.

(C) REVIEW OF CONVEYANCE.—For the purposes of this section, 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 be determined as determined by the independent entity under subsection (a), excluding the estimated cost, as determined by the Independent Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

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 (33 U.S.C. 1201 et seq.)), 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 under this title, the United States shall assume any and all liability relating to the Mine and laboratory.

(A) DAMAGES.—
(1) IN GENERAL.—Subject to paragraph (2), only to the extent that an award of damages is made in a civil action brought under title 28, United States Code.

(B) RESPONSE COSTS.—Subject to 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 (33 U.S.C. 1201 et seq.); or (iv) any other federal environmental law, as determined by the Administrator.

The Congress of the United States of America in more matured wisdom than its predecessors, having declared that it is the物件的文法來決定。
(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, or other damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or costs 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) PROTECTION 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 the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR HOMESTAKE CLAIMS.—

Nothing in this section constitutes an assumption 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;

(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 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—

(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 INSURED.—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.

(c) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to subsection (b), the State may finance the purchase of insurance required under this subsection by—

(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.

(d) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall:

(1) name the United States as an additional insured; or

(2) 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.

(e) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—If 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.

(f) 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 insured; and

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights under the policy.

(g) 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 financial institution located within the State, the Environment and Project Trust Fund.

(b) AMOUNT OF FUND.

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 by the Administrator and the Scientific Advisory Board; and

(2) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund; and

(iii) the amount of funding required for future activities 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 through appropriate project sponsors, 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.

(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 5;

(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; or

(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).
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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 NON-CO VeYANCE. 
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 6(b)(6), to pay to 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


SEC. 15. CUSTOMERS FEES. 
Section 303(c) of the Consolidated Omnibus Budget Reconciliation Act of 1986 (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. BonDI)) 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 add all that follows through the end of the matter proposed to be inserted by the House of Representatives, and insert the following:

SEC. 4. 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 amount of each portion 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.

(b) 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: 

(1) in subsection (b)(7)(A)—

(A) by redesignating paragraphs (1) and (1) as subparagraphs (I) and (II), respectively, and moving the margins 2 ems to the right; 

(B) by striking “not exceed the lesser” and inserting “(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

(2) in subsection (b)(8), the Administrator 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.”.

(b) 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.

(c) 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.

(d) 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 inter-state 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 13(e)(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 “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 up to $50,000,000,” and inserting “and up to $100,000,000.”

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) The 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 nanotechnology entities in definition of educational institution.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Modification and extension of authori ties on presumptive service connection for herbicide-related disabilities of Vietnam era veterans.


Sec. 203. Expansion of presumptions of perman ent 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 for change in surcharging income for pension purposes.

Sec. 207. Prohibition on provision of certain benefits with respect to veterans who are found incompetent.

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.


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 authori ties.

TITLE IV—BURYAL 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 other 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 required demonstration by United States Court of Appeals for Veterans Claims.
Sec. 603. Termination of notice of disagreement with adjudicative requirement for United States Court of Appeals for Veterans Claims.
Sec. 604. Registration fees.
Sec. 605. Administrative authorities.

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 to the section or other provision to which 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)) in the case of a course for the month ending any month in the period of enlistment)" and inserting "$700, for months beginning on or after that date)"; and
(2) in subsection (b), by striking "$528 (as increased from time to time under subsection (h)) in the case of a course for the month ending any month in the period of enlistment)" and inserting "$569, for months beginning on or after that date).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to educational assistance to which the amendments relate for periods covered by the initial rate and increased amount of the 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 was made.

SEC. 102. AUTHORITY FOR ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 304 is amended by adding at the end thereof 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 for the course for a period for which an accelerated payment is elected by an individual under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual for the period for which the course begins plus the educational assistance allowance for each of the succeeding four months; or
"(c)(1)(B) The Secretary shall prescribe regulations for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.
"(c)(2) An individual described in this subsection shall be considered to be enrolled in an approved program of education leading to employment in high technology industry in the case of an individual who qualifies under paragraph (1)(B).
"(c)(3) An individual described in this subsection is an individual entitled to basic educational assistance under this subchapter who elects to receive an accelerated payment of the basic educational assistance allowance for the course for the period for which the course begins plus the educational assistance allowance for each of the succeeding four months; or
"(c)(4) The Secretary shall prescribe regulations for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section."

SEC. 103. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—Section 304 is amended by inserting after section 304 the following new section:
"§304A. 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 for the course for which the accelerated payment is elected by an individual under subsection (b) and (c)(1)(A) of section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment was made.
"(b) The amount of the accelerated payment under this section for an individual who has received an advance payment under section 304A(c) or 3680(d) of this title for the same enrollment period shall be the lesser of—
"(1) the amount equal to 60 percent of the established charges for the program of education; or
"(2) the aggregate amount of basic educational assistance to which the individual was entitled under this chapter at the time of the payment.
"(c) The Secretary shall prescribe regulations for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section."

SEC. 104. REPEAL OF FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND OTHER ASSISTANCE.

Title V—Other Benefits Matters
Sec. 501. Repeal of fiscal year limitation on number of veterans in programs of independent living services and other assistance.

Sec. 104. Repeal of fiscal year limitation on number of veterans in programs of independent living services and other assistance.

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(h) 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 under this section, grant, deny, or terminate a benefit as provided in this section, determine and define with respect to an eligible veteran and eligible person the following—

(A) Enrollment in a course or a program of education leading to a degree or certificate; and

(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 course of education by the eligible veteran or eligible person. The Secretary may 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 course of education as sufficient proof of the certification if the individual meets the following criteria:

(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 certification 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.

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:

“(ii) reenlists or reeneters on a period of active duty after the date specified in clause (i); and

(iii)若干日 after July 1, 1984.

(b) SELECTED RESERVE PROGRAM.—Section 3012(a)(1) is amended—

(1) by striking “or” at the end of subparagraph (A);

(b) by adding “or” at the end of subparagraph (B); and

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

“(ii) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of section 3031(a)(1)(C) of this title, on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3502(a)(1)(B), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title, after “Persian Gulf War”, and

(c) 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 allowances payable under such chapter shall be made to the amounts of such assistance allowances payable under such chapter as a spouse made eligible by clause (i) of section 3501(a)(1)(A) of this title.

(d) 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 fiscal year 2002.

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 “in support of or response to the National Emergency declared by the President’s Proclamation dated September 14, 2001, after “Persian Gulf War”;

(b) by striking clause (ii) of section 3014(a)(1); and

(c) by adding at the end the following new subsection:

“(2) A person called to active duty for the purpose of assisting in the response to the National Emergency declared by the President’s Proclamation dated September 14, 2001, after “Persian Gulf War”, and

(c) 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 allowances payable under such chapter shall be made to the amounts of such assistance allowances payable under such chapter as a spouse made eligible by clause (i) of section 3501(a)(1)(A) of this title.

(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.

(2) The amendments made by paragraph (1) shall apply only 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 readjudication of a claim for such assistance.

SEC. 106. INCREASE IN RATES OF SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.—

(a) IN GENERAL.—Section 3533(a)(1) is amended—

(1) by striking “$552 and inserting “$652”;

(2) by striking “$612 and inserting “$712”; and

(c) CORRESPONDENCE COURSES.—Section 3534(b) is amended by striking “$552” and inserting “$652”.

(d) SPECIAL RESTORATIVE TRAINING.—Section 3542 is amended by striking “section 3513” and inserting “section 3512”.

(2) 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 allowances payable under such chapter shall be made to the amounts of such assistance allowances payable under such chapter as a spouse made eligible by clause (i) of section 3501(a)(1)(A) of this title.
maintain, or advance in employment in a pro-

fession or vocation in a high technology occupa-
tion (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 en-
actment of this Act.

TITLE II—COMPENSATION AND PENSION

MATTERS

SEC. 201. MODIFICATION AND EXTENSION OF AU-
THORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBI-
CIDE-RELATED DISABILITIES OF VIETNAM ERA VETERANS.

(a) REPEAL OF 30-YEAR LIMITATION ON MANI-
FESTATION OF RESPIRATORY CANCERS.—Sub-
section (a)(2)(F) of section 1116 is amended by
striking “within 30 years” and all that follows through
chapter 11 of title 38, United States Code.

(b) PRESUMPTION OF EXPOSURE TO HERBICIDE
AGENTS IN VIETNAM DURING VIETNAM ERA.—(1)
Section 1116 is further amended—
(A) by transferring paragraph (3) of sub-
section (a) to the end of the section and redesign-
sating such paragraph, as so transferred, as
subsection (j);
(B) in subsection (a), by redesignating para-
graph (4) as paragraph (j); and
(C) in subsection (j), as transferred and redesign-
ing by subparagraph (B) of this paragraph—
(i) by striking “For the purposes of this sub-
section, a veteran” and inserting “For purposes of
establishing service connection for a disabil-
ity 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” and inserting “or”.

(2) Section 1117 shall be amended—
(A) in subsection (b), by striking subsection (b);
and
(B) in subsection (c), by striking paragraph (12)
and inserting the following—
(12) Menstrual disorders.

(3) Section 1118 shall be amended—
(A) in subsection (b), by striking paragraph (12)
and inserting the following—
(12) Signs or symptoms involving the res-
piratory system (upper or lower).

(4) Section 1119 shall be amended—
(A) in subsection (b), by striking paragraph (3)
and inserting the following—
(3) The term "undiagnosed illness" means any
poorly defined disease, illness, or syndrome
characterized by symptoms listed in section 1117(f) of this title.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Sec-
tion 5103 is amended—
(1) by striking “(a) REQUIRED INFORMATION
AND EVIDENCE.—”(a) and
(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made
by this section shall take effect on January 1, 2002.

SEC. 202. ESPOSITIO OF PROVISIONS FOR ENSURING THE ACTUARY
PERSPECTIVE OF SERVICE-CONNECTION FOR HERBI-
CIDE-RELATED DISABILITIES OF VIETNAMESE VETERANS.

(a) IN GENERAL.—Section 1503(a) is amended—
(1) by striking “November 9, 2000” and inserting “January 1, 2001”;
(2) by striking “and”; and
(3) by adding at the end the following new
subsection:—
(U) For purposes of this section, the term "service-connection for herbi-
cede-related disabilities of a veteran who served in Vietnam or a related
area” means a disability that was incurred or aggravated by reason of
service in Vietnam or a related area.

(b) EFFECTIVE DATE.—The amendments made
by this section shall take effect on January 1, 2002.
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 3201(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:

(b) Temporary Expansion of Court.—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court shall be increased to nine judges.

(c) Amending Amending Amended.—The amendment made by paragraph (1) shall be effective on the date of the enactment of this Act, but shall not take effect until August 15, 2005.

(2) The terms of office and eligibility for re-appointment 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 Act of August 1, 1980, as amended by section 209 of the Act of September 30, 2001.

(3) The term of office and eligibility for re-appointment 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 Act of August 1, 1980, as amended by section 209 of the Act of September 30, 2001.

(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.

(5) 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 the first two judges appointed as described in subparagraph (A), (B), or both, as the case may be).

(6) If no judge is appointed pursuant to a nomination covered by subparagraph (A) or subparagraph (B), the number of judges of the Court under 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.

(7) The terms of office and eligibility for re-appointment 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 Act of August 1, 1980, as amended by section 209 of the Act of September 30, 2001.

(8) If 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.

(9) 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.

(10) If 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 the first two judges appointed as described in subparagraph (A), (B), or both, as the case may be).

(11) If no judge is appointed pursuant to a nomination covered by subparagraph (A) or subparagraph (B), the number of judges of the Court under 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.

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.

(a) Repeal.—Section 7296(b)(2) is amended by striking the second sentence.

(b) Repeal of Requirement for Written Notice Regarding Acceptance of Reappointment as Condition to Retirement from United States Court of Appeals for Veterans Claims.—The amendment made by subsection (a) shall take effect on September 30, 2001.

Title VII—Termination of Notice of Disagreement in 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 100–80).
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; as follows:

Amend the section as reen titled: "A Bill to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension 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."

AUTHORIZED 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 Monday, 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 Stephen Kay, 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. MITCHELL. Mr. President, I ask unanimous consent that Steve Freeman, a Fellow serving in Senator Cochran's office, 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.

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 Kathy Sebelius, to be Administrator 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 a Secretary of the Air Force.

AIRCRAFT

The following named officer for appointment to 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 (Major General B. L. Jones, 350.44.)

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 (Brigadier General Keith A. Alexander, 9763.43.)

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 major general (Brigadier General Eldon A. Barmore, 3635.11.)

To be major general (Brigadier General Donald H. Fagen, 9794.4.)

To be major general (Brigadier General John R. Batiste, 9636.6.)

To be major general (Brigadier General Peter W. Chiarella, 6598.5.)

To be major general (Brigadier General Claude V. Christianson, 1982.1.)

To be major general (Brigadier General Robert T. Dail, 5056.7.)

To be major general (Brigadier General Paul A. Eaton, 993.8.)

To be major general (Brigadier General Karl W. Eikenberry, 5196.8.)

To be major general (Brigadier General Dennis C. Mahan, 9797.4.)

To be major general (Brigadier General Jonathan W. Holly, 6265.9.)

To be major general (Brigadier General David H. Huntoon, Jr., 1919.5.)

To be major general (Brigadier General James C. Hylton, 8014.6.)

To be major general (Brigadier General Gene M. LaCoste, 2941.7.)

To be major general (Brigadier General Dee A. McWilliams, 1227.8.)

To be major general (Brigadier General Raymond T. Odierno, 9425.9.)

To be major general (Brigadier General Virgil L. Puckett, II, 9367.10.)

To be major general (Brigadier General Joseph F. Peterson, 2747.11.)

To be major general (Brigadier General David H. Petraeus, 1960.12.)

To be major general (Brigadier General Marilyn A. Quaglotti, 8480.13.)

To be major general (Brigadier General Michael D. Rocchele, 4381.14.)

To be major general (Brigadier General Donald J. Ryder, 5451.15.)

To be major general (Brigadier General Henry W. Stratman, 1226.16.)

To be major general (Brigadier General Joe G. Taylor, Jr., 8864.17.)

To be major general (Brigadier General N. Ross Thompson, III, 5240.18.)

To be major general (Brigadier General James D. Thurman, 8182.19.)

To be major general (Brigadier General Thomas R. Turner, II, 7116.20.)

To be major general (Brigadier General Michael A. Van, 6980.21.)
To be senior dental surgeon
Michael L. Campsmith.
A. Isabel Garcia.
To be dental surgeon
Ronald E. Bajuscas.
Tanja 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. Hills.
Barbara W. Kilbourne.
Gwethyllyn J. Sahatinos.
Amanda S. Waugaman.
To be senior assistant nurse officer
Thomas C. Arminio.
Deborah M. Carter.
Charles D. Dukle Jr.
Keyla E. Gammarano.
To be assistant nurse officer
Lisa S. Penix.
Laverne Puckett.
Keysya L. Ross.
Michael R. Sanchez.
Jeanne D. Shaffer.
Steven M. Wacha.
To be assistant engineer officer
Benjamin F. Brown Jr.
Serina A. Hunter.
Patricia K. Mitchell.
To be assistant scientist
Andrew 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. Calkin.
Edward A. Cayous.
To be senior assistant nurse officer
Eileen D. Bonneau.
Ruth M. Coleman.
Terri L. Dodds.
To be assistant nurse officer
Jeanne D. Shaffer.
To be engineer officer
Kevin B. Milne.
To be senior assistant engineer officer
Donald C. Antrobus.
Mark A. Calkin.
Edward A. Cayous.
To be senior assistant nurse officer
Eileen D. Bonneau.
Ruth M. Coleman.
Terri L. Dodds.
To be assistant nurse officer
Jeanne D. Shaffer.
To be engineer officer
Kevin B. Milne.
To be senior assistant engineer officer
Donald C. Antrobus.
Mark A. Calkin.
Edward A. Cayous.
SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 676c) 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 1041 of title 18, United States Code, is amended by inserting "and (3) any management official, or both"

(b) CIVIL PENALTIES.—Section 551 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended by -(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 "1314" and inserting "1314"; and (ii) by striking "institution," and inserting "institutional"; (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 and inserting the following: "(d) EFFECTIVE DATE.—This section shall |
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;

(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.

(b) 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.

SECTION 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) TW O-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 $250,000.

(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is not more than $50,000.

(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:

"(B) 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:

(i) A guarantee fee equal to 1 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 not more than $50,000.

(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $250,000, but not more than $700,000.

(iv) A guarantee fee equal to 4.38 percent of the deferred participation share of a total loan amount that is more than $700,000, but not more than $1.5 million.

(v) A guarantee fee equal to 5 percent of the deferred participation share of a total loan amount that is more than $1.5 million, but not more than $5 million.

(vi) A guarantee fee equal to 5.38 percent of the deferred participation share of a total loan amount that is more than $5 million.

(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 subparagraphs (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ‘‘not exceed the lesser’’ and inserting ‘‘not exceed—’’;

(2) 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;

(iii) 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;

(3) in subsection (b)(8)—

(A) by redesigning clauses (i) and (ii) as subparagraphs (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;

(ii) 1 percent of the loan amount that is not more than $250,000.

(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. 665a), 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 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.

Mr. PRESIDING OFFICER. Without objection.

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 amendment of 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 $250,000.

(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $250,000, but not more than $500,000.

(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $500,000, but not more than $1.5 million.

(iv) A guarantee fee equal to 5 percent of the deferred participation share of a total loan amount that is more than $1.5 million, but not more than $7.5 million.

(v) A guarantee fee equal to 5.38 percent of the deferred participation share of a total loan amount that is more than $7.5 million.

(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 subparagraphs (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;

(ii) 1 percent of the loan amount that is not more than $250,000.

(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. 665a), 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.

(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, SEC, Amendments, H.R. 4083, the SBIC Modernization Act.

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 household 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 Senator Bond 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 and 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 fee 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 the 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, $43.7 billion 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 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.

Our 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 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 in 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 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 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 program is the SBA’s very successful SBIC program, which I talked about earlier. However, unlike the SBIC program which makes larger deals, the new markets venture capital companies target smaller investments to fuel 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 not been employed 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 Amendment 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 Amendment Act of 2001, S. 1196 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, existing SBICs will have access to 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 does 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 decades. Today, small businesses make up 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 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 Nation’s best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to us all. 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 communities. For example, one 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, took over 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 was 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 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. 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 charged 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 a large 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. Projected demand in FY 2002 for 1.38 percent interest fee paid by Participating Securities SBICs before the end of the fiscal year.

The amendment expands the definition of “management official” to include officers, directors, general partners, managers, employees, agents or other participants in the management or conduct of the SBIC. 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 $550 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 million. What the GAO also found is that the cost of the program.

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 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 better 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 Amendments Act of 2001 today, so that the House of Representatives has time to act before the Congress adjourns in the coming weeks.
There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider the concurrent resolution.

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. 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 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 held over for the re-consideration and printing of the Resolution of the Senate to Calendar No. 151, S. 703.

The legislative clerk read as follows:

The concurrent resolution (H. Con. Res. 90) was agreed to.

CONSENT.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be laid upon the table, and that any statements 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 concurrent resolution (H. Con. Res. 244) was agreed to.

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 held over for the re-consideration and printing of the Resolution of the Senate to Calendar No. 151, S. 703.

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. Mr. President, I ask unanimous consent that the concurrent resolution be held over for the re-consideration and printing of the Resolution of the Senate to Calendar No. 151, S. 703.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 244) was agreed to.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 90) authorizing the printing of a revised and updated 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 Senate proceed to consider the concurrent resolution.

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

The concurrent resolution (H. Con. Res. 90) was agreed to.

APPLICATION 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 concurrent resolution (H. Con. Res. 90) 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) 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 96–138 (97 Stat. 870) is amended by striking “twenty years” and inserting “40 years”.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

Public Law 96–138 (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 for 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 $50,000,000”;

(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,

CONSENT.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be laid upon the table, and that any statements 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. 244) was agreed to.

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 concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the bill be considered 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 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 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 603(a)(1) 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 it 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 402 of the Social Security Act (42 U.S.C. 602) 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) RECISSION.—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 603(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 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 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. 203. Exclusion of 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 purposes of calculation of pension benefits.
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 limitations 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. Expansion of benefits 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 in-home 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 re-appointment 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 315 is amended—

(1) in subsection (a)(1), by striking “$560 (as increased from time to time under subsection (h))” and inserting “$700, for months beginning after September 30, 2001, but before September 30, 2002, $900 for months beginning after September 30, 2002, $1,100 for months beginning after September 30, 2003, and $560 for months beginning after September 30, 2004, and as increased from time to time under subsection (h) after September 30, 2004.”;

(2) in subsection (a)(2), by striking “$520 (as increased from time to time under subsection (h))” and inserting “$700, for months beginning after September 30, 2001, but before September 30, 2002, $900 for months beginning after September 30, 2002, $1,100 for months beginning after September 30, 2003, and $560 for months beginning after 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 beginning after September 30, 2000. The amendment made by subsection (b) 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 314 is amended by adding at the end the following new subsection:

“(c)(1)(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 for which an individual has received an allowance 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 the aggregate monthly educational assistance 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 otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

“(iii) 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 subchapter, 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 subchapter. 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 subchapter.”;

(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

(1) 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 otherwise payable to the individual under section 3015 of this title.

(2) A 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 rate of basic educational assistance otherwise payable to the individual under section 3015 of this title.

(b) An individual described in this subsection is an individual who—

(1) is entitled to 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 of which a monthly rate of basic educational assistance otherwise payable to the individual under section 3015 of this title.

(c) (1) The amount of the accelerated payment under this section for 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, the tuition and fees charged the individual for the entire program of education;

(C) the educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title is made shall determine the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

(d) An accelerated payment of basic educational assistance to an individual under this subchapter shall be charged the number of months (and any fraction thereof) during the enrollment period by which 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 includes courses during an enrollment period otherwise payable to the individual under this chapter shall be determined by proportionate entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the fraction 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 for which an accelerated payment under this section is made for an individual under section 3015(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, including methods for the receipt, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section."

(b) Estimation and enhancement of certain administrative authorities.—Subsection (g) of section 3680 is amended to read as follows:—

(1) The Secretary, may, pursuant to regulations which it prescribes, determine and define with respect to an eligible veteran and eligible person the following:

(A) Enrolment 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 or training.

(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until such time 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 may, as a condition of the establishment of enrollment, 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 condition.

(d) An accelerated payment of basic educational assistance made to an individual under this section 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 monthly rate of basic educational assistance 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) during the enrollment period by which 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 includes courses during an enrollment period otherwise payable to the individual under this chapter shall be determined by proportionate entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the fraction and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

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 the following new subparagraph:

(C) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title and—

(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 in the Armed Forces; and

(bb) 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) or (B); and

(cc) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) voluntarily 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 (c) 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 3022(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

(3) 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; and

(bb) 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) or (B); and

(cc) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) voluntarily 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 (c) by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

(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)(B) or 3012(a)(1)(B) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title, and—

(1) by striking 'or' at the end of subparagraph (A); (2) by adding 'or' at the end of subparagraph (B); and

(3) by adding the following new subparagraph:

(C) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title, and—

(i) reenlists or reenters on a period of active duty after the date specified in clause (i); and

(ii) 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; and

(bb) 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) or (B); and

(cc) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) voluntarily 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 (c) by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

(d) In general.—Sections 3542(b) and 3501(a)(6) are each amended by adding at the end the following new sentence:—

Such term also means any private reserve duty or training, or any other reserve duty or training in which the Secretary establishes that offers, either directly or under an agreement

SEC. 105. INCLUSION OF CERTAIN PRIVATE TECHNOLoGY ENTITIES IN DEFINITION OF EDUCATION EMPLOYMENT LEADING TO EMPLOYMENT LEADING TO EMPLOYMENT.
with another entity (that meets such require-
ments), a course or courses to fulfill require-
ments for the attainment of a license or certifi-
cate generally recognized as necessary to obtain, maintain, or advance in employment in a pro-
fession or vocation in a high technology occupa-
tion (as determined by the Secretary).”.
(b) EFFECTIVE DATE.—The amendments made
by subsection (b) shall apply to enrollments in
courses occurring on or after the date of the en-
actment of this Act.

TITLE II—COMPENSATION AND PENSION
MATTERS

SEC. 201. MODIFICATION AND EXTENSION OF AU-
TORIZATION ON PRESUMPTION OF SER-
VICE-CONNECTION FOR HERB-
ICIDE AGENTS EXPOSED TO AGENTS IN
VIETNAM ERA VETERANS. (a) PRESUMPTION OF
EXPOSURE TO HERBICIDE AGENTS IN VIET-
NAM DURING VIETNAM ERA.—(1) Section 1116 is
amended—
(A) by transferring paragraph (3) of sub-
section (a) to the end of the section and redesig-
nating such paragraph, as so transferred, as sub-
section (i);
(B) in subsection (a), by redesignating para-
graph (4) as paragraph (5), and;
(C) in subsection (b), as transferred and redesig-
nated by subparagraph (B) of this paragraph—
(i) by striking “For the purposes of this sub-
section, a veteran” and inserting “For purposes of 
establishing service connection for a dis-
ability or death resulting from exposure to a
herbicide agent, including a presumption of
service-connection under this section, a vet-
eran”; 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 cer-
tain herbicide agents; presumption of expo-
sure.”
(B) The table of section at the beginning of
chapter 11 is amended by striking the item relat-
ing 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 DISE-
ASES.—Section 1116 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 sub-
section (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), re-
spectively.
(b) ILLNESSES THAT CANNOT BE CLEARLY DE-
CLOSED.—Subsection (a) of that section is further
amended by inserting “or any poorly defined
chronic multisymptom illness of unknown et-
iology, resulting from exposure, characterized
by two or more of the signs or symptoms listed
in subsection (f)” after “illnesses”.
(c) SIGNS OR SYMPTOMS THAT MAY INDICATE
undiagnosed Illness.—That section is further
amended by adding at the end the follow-
ing new subsection:
“(1) Signs or symptoms that may be a manifestation of an undiagnosed illness include the following:
“(1) Fatigue.
“(2) Unexplained rashes or other dermato-
logical signs or symptoms.
“(3) Headache.
“(4) Memory loss.
“(5) Joint pain.
“(6) Neurologic signs or symptoms.
“(7) Neuropsychiatric signs or symptoms.
“(8) Signs or symptoms involving the res-
piratory 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 add-
ing at the end the following new paragraph:
“(4) For purposes of this section, signs or symptoms involving a manifestation of an undiagnosed illness include the signs and symp-
toms 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” and inserting “or”;
(2) in paragraph (10), by striking the period at
the end and inserting a semicolon; and
(3) by striking 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 vet-
eran; and”.
(b) OTHER NON-RECURRING INCOME.—That
subsection is further amended by adding 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 pre-
scribed 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 IN-
COME.—That section is further amended by add-
ing at the end the following new subsection:
“(c) In determining amounts for purposes of
paragraph (11) or (12) of subsection (a), the Sec-
retary shall take into consideration the amount
of income from insurance proceeds or other non-
recurring income that is necessary to maintain,
consume for their maintenance, or advance in
employment of the veteran; and
(d) EFFECTIVE DATE.—The amendments
made by this section shall take effect on January 1, 2002,
and shall apply with respect to determina-
tions 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
OF DEPARTMENT OF VET-
ERANS AFFAIRS. (a) IN GENERAL.—Section 5102 is amended by adding at the end the following new
subsection:
“(c) TIME LIMITATION.—If the Secretary
notification that the veteran is a fugitive
felon; or
“(2) the veteran flees; or
“(3) the veteran 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 felon as described in subsection (a).
“(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 par-
ole 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 mis-
demeanors offenses that would be felony of-
fenses under Federal law.
“(c) A benefit described in this subsection is
payable to such agencies under paragraph (1).
“(2) 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 Sec-
retary, of any veteran who is entitled to receive
benefits under paragraph (1) of subsection (b) of
that chapter is amended by inserting after the
pension of veterans who are fugitive fel-
on.
(a) PROHIBITION.—(1) Chapter 53 is amended by
inserting after section 5313A the following
section:
“§5313B. Prohibition on providing certain benefits with respect to veterans who are fug-
itive felons
“(a) A veteran described in subsection (b), or
dependent of the veteran, who is otherwise eligi-
able 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 felon as described in subsection (a).
“(b) REPEAL OF SUPERSEDED PROVISIONS.
“(1) Section 5112(b)(4) is amended by striking sub-
paragraph (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 recurring income) and
“(2) Section 5206. PROHIBITION OF CERTAIN
BENEFITS WITH RESPECT TO
VETERANS WHO ARE FUGITIVE FEL-
on.
(a) PROHIBITION.—(1) Chapter 53 is amended by
inserting after section 5313A the following
section:
“§5313B. Prohibition on providing certain benefits with respect to veterans who are fugi-
itive felons.
“(a) A veteran described in subsection (b), or
dependent of the veteran, who is otherwise eligi-
able 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 felon as described in subsection (a).
“(b) SENSE OF CONGRESS ON ENTRY INTO MEMO-
RANDA OF UNDERSTANDING WITH
AGENCIES.—It is the sense of Congress that the memoranda of understandings and agreements referred to in

December 7, 2001

S12748 CONGRESSIONAL RECORD—SENATE
section 5133(b)(4)(A) of title 38, United States Code (as added by subsection (a)), should be en-
tered into as soon as practicable after the date of the enactment of this Act, but not later than six months after such enactment.

SEC. 207. LIMITATION ON PAYMENT OF COMPEN-
SATION FOR VETERANS REMAIN-
ING 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 compen-
sation 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 as of 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) DEFINITIONS.—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. REPORTS.

(a) REPEAL.—Section 503 is amended by striking “(A)” in subsection (b) and (c); and

(b) REPORTS.—The reports required by section 5133(a)(2) 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 subsection (f) of section 2306 of title 38, United States Code, as added by subsection (a) of this section, before the date of the enactment of this Act.

(c) STYLISITC AMENDMENT.—Subsection (c) of section 2096 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 IN-
DEPENDENT LIVING SERVICES AND ASSISTANCE.

(a) REPEAL.—Section 3120(e) is amended by striking “Programs” and all that follows through “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 October 1, 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 EXTRAORDINARY
JUDICIAL REVIEW.

(a) IN GENERAL.—(1) Section 7253 is amended by adding at the end the following new subsec-
tion:

“(k) Terms of Judges.—(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) or (B) of this subsection 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, 2006.

(2) The terms of office and eligibility for re-
tirement of a judge appointed under this subsec-
tion, other than a judge described in para-
graph (4), shall be as follows:

(A) judges appointed under this subsection may not accept appointment as a judge of the Court after November 30, 1999.

(B) 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.

(3) No appointment may be made under sec-
tion 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 re-
call status under section 7257 of title 38, United States Code) who were appointed to the United States Court of Appeals for Veterans Claims before January 1, 1997.

(b) APPLICABILITY.—This section shall apply to nominations covered by subparagraph (B), or any nomination covered by subparagraph (A), that are made before September 30, 2006.

(c) CONSTRUCTION.—The repeal in subsection (B) of section 7253(e) is amended by inserting “...before The Court...” before “The courts.”

SEC. 602. REPEAL OF REQUIREMENT FOR WRIT-
en or PROOF OF ACCEPTANCE AS JURISDI-
CTIONAL REQUIREMENT FOR 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 DIS-
AGREEMENT AS JURISDICTIONAL REQUIRE-
MENT FOR UNITED STATES COURT OF APPEALS FOR
VETERANS CLAIMS.

(a) TERMINATION.—Section 402 of the Vet-

(b) ATTORNEY FEES.—Section 403 of the Vet-
ers’ Judicial Review Act (102 Stat. 4122; 38 U.S.C. 7254 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (b) 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 repeal made by section (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.—Sub-
section (a) of section 7285 is amended to read as follows:

“(a) The Court of Appeals for Veterans Claims may impose registration fees as follows:
Mr. ROCKEFELLER and Mr. SPECTER, proposes
the following new item:

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§ 101. Authorization

Authorizing 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 the United States (as that term is defined by section 451 of title 28), except to the extent that such provision of law is inconsistent with a provision of this chapter.

§ 102. Registration fees.

(a) Registration fees. — Registration fees under section 7285 and inserting the following new item:

§ 7285. Registration fees.

(b) Availability of registration fees.

The pending measure is an omnibus program which I developed with 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. We work with the Armed Services and begins to repay veterans for the school they have given to our Nation. As a first step, the Committee bill would allow veterans to gain the skills they need to productively to civilian life.

Amend the title so as to read: “A Bill to amend title 38, United States Code, to modify and improve authorities relating to educational 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.”.

Mr. SPECTER. I will describe provisions of the Committee bill would allow veterans to use their Montgomery GI Bill to pay for short-term courses that lead to certification of who might have been exposed 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 retroactive 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 undetermined etiology” 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.

Powers...
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 2002; and $950 per month in October 1, 2003.

Allows MGIB participants to receive their otherwise monthly payment as an accelerated 12-month installment for the month in which the course begins.

Currently, MGIB benefits are paid in monthly installments. S. 1088 would create a flexible installment method for MGIB to partially pay for short-term/high tech courses. It would accelerate payment of up to 90 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 in the National Guard or Reserves 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 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 to assume that cancers linked to dioxin exposure would occur with a specific window of time.

Tasks the National Academy of Sciences (NAS) to review 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 “unilateral hearing loss” for Gulf War veterans by adding poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis. Congress provided compensation to those 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 $69,175 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 Select 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; to bill be reported from the Committee on Veterans’ Affairs Committee be discharged from further consideration of H.R. 1291; that the Senate proceed to its immediate consideration; that after the enacting clause strike: 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 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. 1789**

Mr. REID. I understand S. 1789, 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. 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 authorizes 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 medications 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 drug changed, others remain incomplete.

This authorization 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. TESTS, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINATEE’S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF LABOR

TAMMY DEE MCMURDO, 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 GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 607:

To be the judge advocate general of the United States Air Force

MAJ. GEN. THOMAS J. PISCUS

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. JACK L. HUBES

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 607:

To be brigadier general

COL. BRUCE R. BALLOW

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 607:

To be major general

BRIGADIER GENERAL KEITH R. ALEXANDER

BRIGADIER GENERAL ELDON A. BARROW

BRIGADIER GENERAL JOHN R. BATTSTE

BRIGADIER GENERAL PAUL D. EATON

IN THE PUBLIC HEALTH SERVICE


IN THE ARMY


IN THE NAVY

NAVY NOMINATION OF JOHN B. STOCKEL

NAVY NOMINATION OF PHILIP F. STANLEY
TRIBUTE TO LANA BOLDI, UAW REGION I–D

HON. DAVID E. BONIOR
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BONIOR. Mr. Speaker, I rise today to recognize a woman who has dedicated over 23 years to the United Automobile Workers, Lana Boldi. As an International Representative for UAW Region I–D, her remarkable achievements as a CAP Coordinator have brought so many families and communities together in an effort to educate and promote political action and community service. As members of UAW Region I–D gathered together on November 3, 2001 to bid farewell to Lana, a longtime friend and advocate of the labor movement, they honored her retirement with a celebration of memories, laughter, and fun.

A leader and an activist all her life, Lana Boldi was the first female apprentice in the Fisher Body Corporation. She was a past Vice President and Chairperson of the UAW/CAP Council of Kalamazoo County, Chairperson of UAW Local 486’s Community Service Committee, and Chairperson of the Labor Participation Committee of the United Way in Kalamazoo County. She was a founding Chairperson and Vice President of the Coalition of Labor Union Women (CLUW) in the Kalamazoo area, and on the National Task Force of CLUW, focusing on Apprenticeships for women. Her leadership continues today, as she is Chair of the Kent County Democratic Party Executive Board, of which she has been Vice Chair of for the past five years, and continues to sit on so many other boards and committees.

Demonstrating outstanding dedication and commitment throughout the years, Lana Boldi has truly led her community in a new direction, creating and developing programs that have advanced UAW Region I–D’s political and community outreach services. She was a Chairperson of the Labor Task Force for the Prevention of Cardiovascular Disease, a board member of the Michigan State Child Abuse and Neglect Prevention group, and a board member of the Community Coordinated Child Care of Kent County. Additionally, Lana’s outstanding efforts have not gone unrecognized, as she has been honored with prestigious awards, such as the Grand RapidsYWCA, MEA Region 9, and the Michigan House to name a few. Lana Boldi’s crusade to raise the standards of activism and community outreach programs is one that will be remembered by citizens of this community for years to come.

I applaud Lana Boldi for her leadership and commitment, and thank her for dedicating her life serving her community and UAW Region I–D. I urge my colleagues to join me in saluting her for her exemplary years of service.

TRIBUTE TO GURMALE SINGH GREWAL, 2001 DEVELOPER OF THE YEAR

HON. DAVID E. BONIOR
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BONIOR. Mr. Speaker, today I rise to pay tribute to a man whose leadership and achievements span the decades and who has touched the lives of so many across southeastern Michigan, Gurmale Singh Grewal, or Gary, as many of his friends and associates have come to know him. As members of the Building Industry Association of Southeastern Michigan and the Apartment Association of Michigan gathered together on November 27, 2001 for their Leadership Recognition and Awards Night, they honored Gurmale Singh Grewal as their 2001 “Developer of the Year.”

As Singh Development Company CEO and a distinguished businessman, Gary has demonstrated outstanding dedication and commitment to his family, work, and community for many years. Beginning in 1921, Gary’s grandfather, Sarwan S. Grewal, left his village in India for the United States, heading to California and then settling in Detroit. With a

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT VETERANS DAY CONTINUE TO BE OBSERVED ON NOVEMBER 11

SPEECH OF
HON. JAMES T. WALSH
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 4, 2001

Mr. WALSH. Mr. Speaker, I rise today in support of H. Res. 298 sponsored by Congressman Frelinghuysen that ensures November 11 remains a day solely committed to United States Veterans, a separate day from any other federal holiday, day for federal elections, or day for national observances.

Veterans Day is a day of celebration, a day of remembrance, and a day of thanks. It is a day when we celebrate the challenges that our country has faced and the moments in America’s history where we have united on land, air, and sea to fight for our country and to ensure security, happiness, and safety for our world’s people. It is the one day a year when we remember the men and women who sacrificed their lives’ for our country, its ideals, and its foundation of personal freedom. It is a day to remember the families of the victims who may have lost a son, daughter, husband or wife during times of war. And above all, it is a day of thanks for the 25.5 million veterans today who look towards the American flag with such feeling of pride, devotion, and American spirit and who define what it is to be an American.

United States veterans truly are some of our nation’s bravest citizens. They not only risked their own lives but sacrificed time away from their loved ones to protect our country. Because of their sacrifice this day of honor should remain solely theirs. Since November 11, 1919, we have been acknowledging these men and women annually. It would be a tragedy if we try to combine their memorial with other days of observance.

As Chairman of the VA/HUD Subcommittee for the past three years, I have had the privilege of working very closely with veterans and their various organizations. A day in their honor is the least we can do to acknowledge the pledge they have made to a grateful nation.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
strong interest in land and building development. Sarwan Grewal purchased the Wol- 
verine Hotel in Detroit, which today is the cur- 
rent location of Comerica Park. Believing firm- 
ly in the traditions of family, hard work, and 
advancement, he brought his grandsons, 
Tahl, and Gurmale to the United States for their 
education. Upon the death of Sarwan, they unan- 
imously agreed to carry on in their grandfather's footsteps. Gary received a degree in Business in 1973 from 
Wayne State University, and in that same year 
established the Singh Development Company, Ltd. Chosen as the company’s CEO in 1973, 
Gurmale still heads Singh Development today, 
now a third generation, family-owned and op- 
erated company.

With current developments in many metro- 
politan Detroit area communities including Aub- 
nen Hills, Birmingham, Canton, Detroit, Novi, 
Northville, Rochester Hills, West Bloomfield, 
and Wixom, Singh developments comprise over 
5,000 multi-family and senior apartments, 
2,100 single family homes, and over 400,000 
square feet of commercial property space. 
Today, Singh Development Company, Ltd. is 
one of the oldest Indian-owned companies in the United States.

The Grewal family is also one of the oldest Sikh American families in the United States, and as Sikhs carry the honor in northwest India of being the “Lions” or “Warriors” through their 
shared middle name Singh, they strive to pro- 
tect of all that is good. The Grewal family car- ies the Singh name with pride, and Gary and 
his family truly reflect this in their business 
ethics and practices today.

Gary, like his grandfather before him, car- 
rries on the traditions of family, hard work, and 
advancement, and it is practice of these prin- 
ciples that has truly been the driving force in 
the success of Singh Development. He is a 
distinguished businessman, family man, and a 
leader in his community. It gives me great 
pleasure to honor Gary, for his leadership and 
commitment, and I urge my colleagues to join 
in saluting him for his exemplary years of 
dedication.

IN HONOR OF BERTA MAY BARKER 
DYER 
HON. EDOLPHUS TOWNS 
OF NEW YORK 
IN THE HOUSE OF REPRESENTATIVES 
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Berta May Barker Dyer in recognition of her 
commitment to her community and her family. 
Berta May Barker Dyer is a native of Costa Rica. She lived in Colon, Panama for several 
years before she moved to the United States and 
became a citizen.

Berta’s first career was as an elementary- 
school teacher. After some consideration, 
she decided to put aside her career as an educa- 
tor and take care of her eleven children. Rec- 
ognizing the importance of education, she 
supported and encouraged her children’s pur- 
suit of professional careers. Several of them 
became professionals working in the areas of 
education, cosmetics, electricity, medicine, the 
U.S. Marines, the airline industry, and house- 
wives. She credited her parents the late Joney 
Dyer de Barker and Steven Parchment with in- 
stilling the importance of education in her as 
well as a guiding and nurturing spirit.

At Berta’s tender age of seventy-one she 
has a wonderful rapport with her thirty-three 
grandchildren and enjoys visiting with her five 
great grandchildren in Colon, Panama. She 
still finds time to read and preach to several 
of her grandchildren about the importance of 
education.

Berta is a devout Seventh Day Adventist who 
credits her strong religious background to 
her beloved stepfather, Amos Barker Clark 
(aka “Pa”). She is a member of several com- 
munity organizations. As a retired Nursing As- 
sistant, she acts as a missionary reaching out 
to the sick and shut ins throughout her Brook- 
lyn community. In addition, Berta is an avid 
seamstress who crochets and embroiders as a 
hobby.

Mr. Speaker, Berta May Barker Dyer has 
lead a life dedicated to her community and her 
family. As such she is more than worthy of re-
cieving this recognition and I urge my col- 
leagues to join me in honoring this truly re-
markable woman.

PERSONAL EXPLANATION

HON. ROBIN HAYES 
OF NORTH CAROLINA 
IN THE HOUSE OF REPRESENTATIVES 
Thursday, December 6, 2001

Mr. HAYES. Mr. Speaker, I would like the 
record to reflect that, had I been present on 
December 5, 2001, I would have voted “yea” 
on Roll Call NOS. 472, 473, 474, and 475. 
Thank you.

HON. BETTY MCCOLLUM 
OF MINNESOTA 
IN THE HOUSE OF REPRESENTATIVES 
Wednesday, December 5, 2001

Ms. McCOLLUM. Mr. Speaker, today the 
House of Representatives passed an impor-
tant bill, the American Indian Small Business 
Development Act, and I was pleased to sup- 
port it. This bill creates a three-year pilot pro-
gram that would provide grants to Small Busi-
ness Development Centers (SBDC) for the pur-
pose of assisting Native Americans start or 
expand a small business. These pilot projects 
will complement programs already in place 
in our nation for small business development assistance by allowing 
Indian tribe members, Native Alaskans and 
Native Hawaiians to access additional one-on-
one counseling and other technical assistance 
that is provided by the SBDCs.

I am proud of the successful work that the 
SBDCs perform in Minnesota. They provided 
support and long-term counseling services last 
year to over 3,500 existing and prospective 
businesses, including to 77 Native Americans. 
With the bill we passed today, they will be 
able to expand and respond even more to the 
overwhelming need for assistance in our Na- 
tive American communities.

Mr. Speaker, since Tribal leaders in Min-
nesota are concerned that the bill today 
doesn’t include the Native American Business 
Development Centers. These centers were 
created to address unique Native American 
cultural and economic problems and opportu-
nities that were not being addressed by the 
Small Business Administration. I share their 
concern. However, I feel that we need to cre-
ate as many opportunities as possible for Na-
tive American entrepreneurs and look forward 
to working with the SBDCs and Minnesota 
tribes to make sure these resources are put to 
good use.

The average unemployment rate on Indian 
lands is 45 percent. Congress has a responsi-
bility to make sure we support all programs 
that are designed to foster economic develop-
ment and to assist Native Americans to create 
new small business opportunities. I’m pleased 
we addressed this issue today and look for-
toward working with my colleagues to make sure 
all programs benefiting Native Americans are 
fully supported by this Congress.

KEEPING THE SOCIAL SECURITY 
PROMISE INITIATIVE

HON. E. CLAY SHAW, JR. 
OF FLORIDA 
IN THE HOUSE OF REPRESENTATIVES 
Thursday, December 6, 2001

Mr. SHAW. Mr. Speaker, the success of So-
Social Security in reducing poverty among the 
elderly and providing essential income security 
to America’s workers and their families is well 
known. Without Social Security, nearly half of 
our seniors would live in poverty. Yet Social 
Security faces significant financial challenge 
ahead. Unless we modernize the program’s 
Depression-era financial structure, program in-
come will not cover the full cost of paying 
promised benefits soon after the baby-
boombers begin retiring.

Today we must make clear to every Ameri-
can that as we determine the best way to 
save Social Security for our kids and 
grandkids, we will not place undue burdens on 
today’s retirees and workers by reducing ben-
efits or increasing taxes.

Social Security provides at least half of re-
tirement income for over two-thirds of seniors 
and 100 percent of income for almost 1 in 5 
seniors. Reducing Social Security benefits 
would have serious consequences for the ma-
Jority of seniors and would increase their num-
ber in poverty, which is why we must find 
ways to strengthen Social Security without cut-
ting benefits.

Social Security is also one of the largest fi-
nancial obligations of many families. For over 
three-fourths of American families, the payroll 
tax is their largest tax liability. Increasing this 
tax burden would hit low- and middle-income 
families the hardest. In addition, it would re-
duce the already low rates of return on those 
contributions that workers may expect. So we 
must find ways to strengthen Social Security 
without increasing taxes.

Whatever path we choose to strengthen Social 
Security, we must also keep in mind the obsta-
cles women face in ensuring financial security 
for themselves and their families in the event 
of retirement, disability or death. Social Secu-
ry plays an essential role in providing income 
security for women, without which over half 
of American women face financial insecurity. 
Without proactive and prudent policy improve-
ments, we must not consider reducing the 
benefits or cost-of-living increases that are 
important to women.
Social Security also plays a critical role in
providing financial security for minorities. Afri-
can Americans are more likely to receive dis-
ability benefits. Since their life expectancy is
shorter than average, survivor benefits are also
important. Also, about 1/2’s of African
Americans and about 3 out of 5 Hispanic sen-
iors will be nonwhite and 85% will receive benefits
without Social Security. As we consider changes
to the program, we must not reduce the benefits
that are vital to preventing poverty among mi-
norities.

As we protect Social Security for those who rely
on it the most, we must also work to en-
sure Social Security is fair to all generations.
Our kids and grandkids need us to find a way
to improve the low rates of return they will re-
cieve from Social Security. For example, a sin-
gle man who is 31 years old today and earns
average wages can expect a rate of return on
his contributions of only a little more than 1
percent, and kids born today can expect even
less. We cannot, in fairness, allow this to con-
tinue.

The President's bipartisan Commission to
Strengthen Social Security has talked about the
unique needs of women and minorities, as
well as the system’s low rates of return in its
Interim Report and throughout its meetings.
Soon, the Commission will recommend sev-
eral options for modernizing and strengthening
Social Security. It’s the beginning of a long
road to make America’s most important in-
come security program secure far into the
future.

That road will lead here to the Congress
where the first and the final decisions will be
made on this critical issue. My hope is that those
decisions will be bipartisan from the beginning,
because that is the environment that the So-
cial Security debate deserves. So let us begin
today, as Congress first voices its views, and
let that voice be a bipartisan one.

Mr. Speaker, it is for these reasons that I
encourage all Members on both sides of the
aisle to co-sponsor this critically important res-
olution. We must act now to assure Americans
that any plan for saving Social Security will
secure current law promised benefits, in-
cluding cost-of-living adjustments, for current
and future retirees without increasing taxes.
Our children, our grandchildren, and future
generations deserve no less.

The United States relationship with Albania
is strong and growing stronger. This was evi-
dent when Albania pledged its support to us in
the wake of the terrorist attacks on September
11, 2001. Today, the United States is enriched
by the many Albanian Americans living here.
They have made major contributions to nearly
and familiar Americans in celebrating Alba-
nian Flag Day. I salute all of them for the tre-
mendous contributions to freedom and human
dignity which they have made.

IN HONOR OF DOROTHY ISAAC
FAUSTINO
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of
Dorothy Isaac Faustino in recognition of her
tireless commitment to healthcare and serving
those in need.

Dorothy Isaac Faustino grew up in Bedford-
Stuyvesant and Long Island City. She earned
her nursing diploma from Kings County Hos-
pital Center’s School of Nursing. Later, she
earned her Bachelor’s degree from Adelphi
University and her Master’s degree from the
Eileen Jacobi Leadership Award was inducted
into the National Honor Society for Nursing.
Sigma Theta Tau.

Dorothy is not one to allow herself a mo-
ment’s rest. Following her undergraduate edu-
cation, while raising a family, working and run-
nning a Girl Scout troop for 10 years at Sacred
Heart Church, in Cambria Heights, Dorothy
earned a joint Master’s Degree from Columbia
University in Nursing and Public Health. While
there she also became involved in working
with the homeless. Together with several other
students and classmates, her team developed a
hand book and training curriculum for staff and
volunteers working with the homeless from

In addition, to being a tireless worker, Doro-
thy is a people person who has involved her-
self in programs that make an impact in her
community, such as, teen pregnancy pro-
grams and Brooklyn’s Perinatal Network—
where she worked for over 12 years in the
Bed-Stuy and Fort Greene communities. She
coordinated with Medgar Evers College’s
School of Continuing Education and Fort
Greene’s Youth Coalition program to develop
curricula and training programs for welfare re-
cipients to become nurse’s aides.

In 1987, Dorothy became Director of Nurs-
ing for Cumberland Diagnostic and Treatment
Center. She also received were deeply in-
volved in community and school based out-
reach programs. They provided health care
and education to children and teens in the
Beacon School Program in Fort Greene. In
addition, Cumberland staff provided one of
the first back to school campaigns to get children
Dorothy and her staff also worked
into the National Honor Society for Nursing.
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tribute to Albanian Flag Day
HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BONIOR. Mr. Speaker, I am pleased to
join the Albanian American community in cele-
brating the 89th anniversary of Albanian Flag
Day which symbolizes Albania’s independ-
ence.

On November 28, 1912 Albania declared its
independence by raising its flag in the coastal
town of Vlora. Since that glorious day, Albania
has endured many hardships but has man-
aged to persevere. The conflict that occurred
in Kosovo only a short time ago tested Albania
and its people. Albania and its proud citizens
are examples of the people of political, social,
and cultural growth. They possess a focused
vision of their future and will do all they feel
is necessary to ensure prosperity.
Mr. RANGEL. Mr. Speaker, I take great pleasure in rising before you today to recognize one of the world’s greatest and most adored entertainers—Tony Bennett.

World-renowned as an “individual of unequalled excellence,” Tony Bennett has reigned for over five decades, one of our leading male singers of traditional pop songs who has entertained all age groups with his magnificent voice and dynamic performances. Indeed, he is an American icon whose talents are timeless and who continues to be an inspiration to all generations.

It is said of Tony Bennett that he is a superb performer, a true legend of American music, and a national treasure. While all that may be true, Tony is all those things and so much more.

In addition to entertaining audiences through song, Tony Bennett is also an accomplished painter and author, as well as a devoted philanthropist. Throughout his career, he has participated in many humanitarian causes and concerns. He has raised funds for the American Cancer Society, the Juvenile Diabetes Foundation, and the Hospice of Baltimore. He has worked with the Center for Handgun Control and has supported environmental issues through such organizations as Save the Rainforest and the Project for Walden Woods.

His charity concerts have also benefited many causes, namely the preservation of the Apollo Theater in my Congressional District of Harlem in New York City.

What many people may not know is that Tony Bennett served as a foot soldier in World War II, and was an active participant in the liberation of a concentration camp. In 1965, he participated on Selma with the Reverend Dr. Martin Luther King, Jr. and refused to perform in South Africa during the era of apartheid.

Tony Bennett, who celebrated his 75th birthday in August of this year, is a lifelong New Yorker born in the Astoria section of Queens. He attended the High School of Industrial Arts in Manhattan, where he continued nurturing his two passions—singing and painting.

This year, Bennett founded the Frank Sinatra School of the Arts in New York as a tribute to his friend and musical mentor.

Recently, friends gathered together to commemorate Tony’s extraordinary and enduring career at the pinnacle of popular music, a career that took off shortly after Bob Hope discovered him at a New York nightclub in 1949. That discovery has resulted in scores of albums, ten Grammy awards, a Lifetime Achievement Award, and induction this year (along with Frank Sinatra), into the Black Entertainment in Sports Hall of Fame.

Mr. Speaker, I thank you for this opportunity to pay tribute to Tony Bennett, an extraordinary entertainer, a true humanitarian, and a champion for all people. Legions of fans of all ages and musical tastes applaud his genius, and we can be assured that the legacy of Tony Bennett will live forever.

TRIBUTE TO TONY BENNETT

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BONIOR. Mr. Speaker, today I rise to recognize the Lebanese American community, who celebrated the 58th anniversary of Lebanese independence on November 30, 2001.

On November 22, 1943 Lebanon obtained its independence from France. Shortly thereafter, Lebanon became a founding member of both the United Nations and League of Arab States. Signaling its commitment to the idea that human rights were global and that it was ready to be a full partner in the post World War II world, Lebanon played an integral part in the drafting of one of the UN’s most distinguished documents—the Universal Declaration of Human Rights.

As one of the world’s early cradles of civilization, Lebanon has long been held up as an example of prosperity and perseverance. In its recent history, Lebanon has suffered a great deal but to truly understand the spirit of the Lebanese people, one only need to look at the way in which they have rebuilt their nation. While much remains to be done, the nation’s progress is an example from which we can all learn.

The United States and Lebanon have been blessed by a historically strong friendship, owing in part to the emigration of Lebanon’s sons and daughters. They embraced America with open arms and their contributions helped build a greater nation. This relationship is best exemplified by the following familiar words, first spoken by a proud Lebanese American: “Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country?” Those are the words of Kahil Gibran, a poet who frequently wove beauty and justice into his work and in the process touched the heart and meaning of America.

Today, I think we have reason to reflect on another of Gibran’s contributions, one that holds a great lesson for us all. “To be a good citizen is to acknowledge the other person’s rights before asserting your own, but always to be conscious of your own.”

Since 1965, nearly 100,000 new immigrants have come from Lebanon. My home state of Michigan has one of the largest Lebanese American communities in the nation and it has been actively involved in the life of our great state. The Lebanese community willingly shares its culture and values not only with Michigan, but with the entire nation. The result has been innumerable contributions to the arts, media, politics, education, science and industry.

Mr. Speaker, I join the people of Lebanon, those of Lebanese ancestry around the world and the Lebanese American community in celebrating Lebanese Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

IN HONOR OF INGRID S. MASON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Ingrid S. Mason in recognition of her career as an educator and children’s advocate.

Ingrid S. Mason’s roots became solidly grounded by the legacy bestowed upon her by her maternal grandmother, Oxford. Born in Costa Rica, Ingrid spent her formative years under the nurturing love and guidance of her “Tía” and grandmother. Her roots continued to be firmly set, when at the age of five she migrated to the United States to reunite with her other family. It is from her grandmother, mother and aunts that Ingrid gained her most valuable gifts in life a legacy of faith, independence, determination, and commitment to excellence, a strong work ethic and a positive spirit. This legacy has provided her with the wings to soar.

As a youngster and young adult Ingrid excelled academically, earning a myriad of honors, citations, awards and scholarships. She graduated from New York University earning a Bachelor of Arts degree.

Ingrid’s love of children naturally guided her to a profession in education. For the past sixteen years she has been a staunch advocate for children and committed educator, working in Community School District 19 in Brooklyn’s East New York neighborhood. She has served the parents and children as a teacher, assistant principal and principal. She is currently the assistant principal of P.S. 346 in Starrett City. She has earned a Master of Science in Bilingual Education and an Advanced Certificate in Education Administration, both from Brooklyn College. She is a member of many professional organizations, including the New York City Council of Supervisors and Administrators, the Association of Assistant Principals and the Association for School Curriculum and Development.

Ingrid’s philosophy on education and working with children stems from her belief that all children possess inner greatness waiting to be awakened. She says this is a challenge, but as a duty. Each day she strives to awaken that greatness by passing on to them the legacy given to her.
Ingrid is provided with “wings” each day by the love, support and encouragement of her family, daughter, Jahira, sister, Rose, and nephew and niece, Travis and Alice, her greatest fans.

Mr. Speaker, Ingrid S. Mason has dedicated her career to education and childcare advocacy, and she is more than worthy of receiving this recognition, and I urge my colleagues to join me in honoring this truly remarkable woman.

THANKING CYPRUS FOR ITS SUPPORT IN THE FIGHT AGAINST TERRORISM

HON. MICHAEL BILIRAKIS OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BILIRAKIS. Mr. Speaker, I would like to extend my sincere appreciation to the government and people of the Republic of Cyprus for expressing their heartfelt condolences and sympathies to our nation. They have declared their unconditional and immediate condemnation of the heinous acts of terrorism against the people of the United States on September 11, 2001.

The Republic of Cyprus has always unequivocally condemned terrorist acts while cooperating with other governments to stamp out terrorism. Following the recent horrific events in New York and Washington, the government and people of Cyprus, standing shoulder to shoulder with the United States, reaffirmed their commitment to the international fight against the perpetrators of terrorism and those that sponsor such barbaric acts. They also reiterated their determination to further augment their capacity to collect and utilize information for the purpose of combating terrorism and eliminating its sources of funding, pledging to cooperate both at the bilateral level, as well as internationally.

As America confronts one of the most ominous challenges in its history, it is reassuring to know that we have the unconditional and unequivocal support from good friends such as Cyprus. Upholding the ideals of freedom, justice, democracy and human dignity are treasured values both Americans and Cypriots hold dear.

IN HONOR OF DR. STEVE HYMAN

HON. PATRICK J. KENNEDY OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, Dr. Steve Hyman, Director of the National Institute of Mental Health at NIH, will soon be leaving NIMH to become Provost of Harvard University. While I am very happy that he has chosen to take this important step, I very much regret that public service is losing such a significant figure working on behalf of patients and families affected by mental illness.

Steve is a very well known neuroscientist, and among his many colleagues. We have worked together on several issues and events, most recently a briefing for Members and staff on the mental health effects of terrorism in the wake of the awful events of September 11, 2001. Steve has a remarkable ability to leave his audience—whether it is lay or scientific—with a more complete understanding of whatever complex issue he is addressing. This is critical to those of us who work to reduce and eliminate the entrenched stigma about mental illnesses, and the stigma that surrounds patients and their families. As a scientist, Steve has many times asserted that science shows us absolutely no reason to treat those with mental illnesses as anything other than respected individuals affected by treatable illnesses who deserve health insurance coverage and treatment. We can completely commensurate with the coverage provided for physical ailments. In fact, NIMH recently held a meeting in which I participated, focusing on the very real relationship between depression and physical disorders—something that is critical to understand.

For too long, those suffering from depression, bipolar disorder, schizophrenia, anxiety disorders, or any of the other diseases that affect our brain and behavior, have faced discrimination, shame, and even scorn. Leaders like Steve have given us the tools we need to argue forcefully and credibly for equal treatment and equal justice. I believe that his leadership, scientific expertise, and his active participation in trying to educate policymakers like us, as well as our constituents—the American public—have moved us far down the path to eliminating stigma. Steve and NIMH were very much involved in the development of the unprecedented Surgeon General’s Report on Mental Health, a groundbreaking document that has had a major impact in this country.

He also was a key participant in the equally groundbreaking White House Conference on Mental Health held in June of 1999, a public event that featured the President and First Lady, the Vice President and Mrs. Gore, and many, many Members of Congress.

While we will miss Steve Hyman, I am confident that the course he has set for NIMH, and the people he has left to steer it, will enable it to continue to move steadily forward. I know that Steve has left a strong institution, but he has also left a major challenge for his successor—to continue the momentum that he has built up over the five and one-half years he served us as NIMH Director. I haven’t known him for a long number of years, but I do know Steve Hyman well enough to know that he will continue his role as champion of patients and their families, and that we are all better off for it.

NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT ACT

SPEECH OF
HON. FRANK PALLONE, JR. OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 5, 2001

Mr. Pallone. Mr. Speaker, I rise today in support of the Native American Small Business Development Act. This bill will establish a three-year pilot project providing grants to Small Business Development Centers (SBDCs) for assisting the Native American, Alaska Native, and Native Hawaiian populations with their small business development needs. The purpose is to stimulate the economies on reservation lands through the creation and expansion of small businesses by ensuring the targeted population has full access to important business counseling and technical assistance available through the SBDC program.

Having traveled extensively throughout Indian Country, I can tell you that there is great need for such a program. I am pleased to serve as a cosponsor of this bill and I appreciate the hard work that my colleague, Mr. Udall, has put into bringing this important piece of legislation to the floor today.

IN HONOR OF ULYSSES S. KILGORE III

HON. EDOLPHUS TOWNS OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Ulysses S. Kilgore III in recognition of his commitment and service to the health of the Central Brooklyn community.

Ulysses S. Kilgore III possesses a Masters of Business Administration from Long Island University, and a Bachelor’s degree in Accounting from Lincoln University (MO). He is a former U.S. Army officer. After his service took him to the Republic of South Korea, West Germany and Fort Meade, MD, his professional experience includes appointments as fiscal officer at the former Sydenham Hospital and financial management positions at Pfizer and Brooklyn Union Gas Company, respectively.

In 1982, Mr. Kilgore was selected as President and Chief Executive Officer of the Bedford Stuyvesant Family Health Center, Inc. Over the years—with strong and compassionate management and clinical teams—the FHC has become a major provider of healthcare in the Central Brooklyn, Bedford Stuyvesant community. According to Mr. Kilgore, it is the Center’s ultimate responsibility for their own mental, spiritual and physical well-being. The Center seeks to be a participant in that quest. He believes that the greatest source of enrichment comes from service to others. He gives thanks to the Creator for the opportunity to be used to help make life better.

Mr. Speaker, for all of his hard work and dedication to improving access to health care in central Brooklyn, I urge my colleagues to join me in honoring Ulysses S. Kilgore III a truly remarkable man.
serves as a fitting tribute, but also reflects on Congressman Solomon’s lifelong commitment to our Nation and to our Veterans.

A decorated Veteran in his own right, Congressman Solomon set an enduring example of commitment, integrity, and service. His career was one that truly made a difference in the lives of those he represented. Throughout his terms as a Congressman, he brought his vision for America to the House floor with many memorable speeches that helped shape the course of this Nation. This designation serves to memorialize that service, commitment, and leadership.

It is my hope that with the designation of this cemetery, the ideals he held so dear—pride, patriotism, civic responsibility, and volunteerism—will not be forgotten.

I will continue to work in Congress to carry on his fight for our Veterans and will be guided by the example he set as a Member. We are truly blessed to have known him, and truly fortunate to have the unique opportunity to carry on his proud tradition of advocacy and patriotism.

IN HONOR OF MATTHEW FOREMAN, EXECUTIVE DIRECTOR OF THE EMPIRE STATE PRIDE AGENDA

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. NADLER. Mr. Speaker, I rise today to recognize Matthew Foreman for his dedicated and talented leadership of the Empire State Pride Agenda (ESPA), New York’s statewide lesbian and gay political organization. Under Matt’s leadership, ESPA has made significant strides in empowering the lesbian, gay, bisexual, and transgender community and protecting civil rights for all New Yorkers.

The Empire State Pride Agenda strives to end discrimination on the basis of sexual orientation. They have worked to secure equality for gay men, lesbians and their families and communities and to promote their political, economic, cultural, and social well being. In the four years that Matt has served as Executive Director of ESPA, the organization has been a driving force in ensuring the rights of gay and lesbian New Yorkers: in negotiating New York City’s comprehensive domestic partner law; passing a statewide hate crimes law; repealing a 150-year old consensual sodomy statute; obtaining nearly $6 million in state funding for lesbian and gay health and human services; and in enacting local non-discrimination laws and policies in Buffalo, Ithaca, Nassau County, and Westchester County.

Prior to joining the Pride Agenda in 1997, Matt served as Executive Director of the NYC Gay and Lesbian Anti-Violence Project, the nation’s leading lesbian and gay crime victim assistance agency. He is a founder of the Heritage of Pride, which organizes New York City’s Gay Pride events, including the world-famous annual Pride Parade down Fifth Avenue. He also served for many years on the board of Dignity/New York, an organization of lesbian and gay Catholicolics. Those who have had the pleasure of working with Matt know of his tremendous energy and heartfelt dedication to his work. A man of unusual integrity and drive, we New Yorkers—gay and straight alike—have each benefited from his leadership in the fight for equal rights and equal protection under the law. I am proud to have joined him in many of those fights, and I am pleased to stand here today to thank Matt for his tireless work. I wish him all the best in his future endeavors.

EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

SPEECH OF
HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 5, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 280. The suicide attacks over the past weekend have triggered the worst crisis in the Middle East since the outbreak of the Palestinian intifada 14 months ago. These attacks killed 25 Israelis and wounded at least 175. On a proportional basis, this is the equivalent of 1,200 American deaths and 8,000 wounded. The violence needs to stop. Israel is our most dependable and only democratic ally in the Middle East, and it is important that the United States stand steadfastly by Israel at this critical juncture in the fight terror.

The United States is currently engaged militarily in Afghanistan in an effort to root out Osama bin Laden’s terrorist network, which has been protected by the Taliban. In a very real sense, the Palestinian Authority is performing a similar role for Hamas and the Palestinian Islamic Jihad. Yasser Arafat must take all necessary measures to end the ongoing terror campaign. Mr. Arafat must now demonstrate by actions, not words, that he stands for peace.

Mr. Speaker, this legislation sends a strong message that the United States will stand by Israel to defeat terrorism. It is not about taking sides. Too many lives have senselessly been lost on both sides. However, Israel has a right to defend itself from terrorist attacks, just as the United States does. I hope that Mr. Arafat and the Palestinian leadership will immediately arrest, prosecute and jail those responsible for these acts while eliminating the infrastructure that produced them. Any hope for the peace process depends upon it. I urge my colleagues to support the resolution.

IN HONOR OF EDNA FULTON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Edna Fulton in recognition of her outstanding service to the Bedford Stuyvesant community. Edna Fulton is a lifelong resident of Bedford-Stuyvesant. Edna also is a member of the St. Paul Community Church. As a working woman, and with all the “hats” she wears as a daughter, a mother, and a grandmother, she always makes time to serve and support the endeavors of her community.

Mr. Speaker, Edna Fulton has been a shining light in each of the many roles that she has filled. As such, she is more than worthy of receiving this recognition and I urge my colleagues to join me in honoring this truly remarkable woman.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Ms. SANCHEZ. Mr. Speaker, I was attending important business in my Congressional District yesterday, December 5th, including participating in the annual Chapman University Economic Forecast for Orange County and meeting with law enforcement personnel on the subject of terrorism preparedness.

Had I been present, I would have voted yes on Roll Call #469, yes on Roll Call #470, yes on Roll Call #471, yes on Roll Call #472, yes on Roll Call #473, yes on Roll Call #474, and yes on Roll Call #475.

INTRODUCTION OF H. CON. RES.—

HON. LOUISE McINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce a resolution condemning the over 500 anthrax hoaxes perpetrated against women’s health care providers and abortion clinics since October 14th. This resolution also urges
husband and father. Dr. Slepian was tragically shot and killed in his home by an anti-choice extremist lying in wait in his back yard. As a result of this cowardly act, our region lost a courageous and talented doctor; his family lost a loving provider and strongly urges the law enforcement community to take these threats seriously. The United States has lost one of its bravest patriots.

One of the most horrific acts of anti-choice violence occurred 3 years ago in Amherst, New York—a town just outside my district. Dr. Barnett Slepian was tragically shot and killed in his home by an anti-choice extremist. His family has lost a loving husband and father. Dr. Slepian’s death marked the seventh murder at the hands of an anti-choice extremist since 1993.

Unfortunately, this type of vicious domestic terrorism remains at large. According to the National Abortion Federation, since 1973, there have been 7 murders, 17 attempted murders, 41 bombings, 165 arsons, 122 assaults, 343 death threats, 100 butyric acid attacks, and now, as of October 14, more than 500 anthrax threats perpetrated against abortion providers in North America. Considering this level of violence, it is hard to imagine how some abortion providers can walk into work in the morning.

With the help of law enforcement officials and others, I firmly believe we can put an end to these violent acts that threaten some members of our medical community. I am pleased to report that yesterday, December 5, the Federal Bureau of Investigation arrested Clayton Lea Waagner, the suspected author of anthrax hoax letters sent to abortion clinics nationwide, in a copy store outside Cincinnati, Ohio. I would like to commend the law enforcement officials who captured Waagner and urge them to launch a similar campaign to apprehend others who have perpetrated similar incidents of violence.

In addition to the work of law enforcement officials and others, we must also raise awareness about this type of domestic terrorism. In an effort to accomplish that goal, I am proud to introduce this resolution today. It is the strongest measure to date that condemns the terrorism against health clinics and abortion clinics across the United States. I am pleased to report that yesterday, December 5, the Federal Bureau of Investigation arrested Clayton Lea Waagner, the suspected author of anthrax hoax letters sent to abortion clinics nationwide, in a copy store outside Cincinnati, Ohio. I would like to commend the law enforcement officials who captured Waagner and urge them to launch a similar campaign to apprehend others who have perpetrated similar incidents of violence.

Mr. Speaker, on behalf of Reps. MORELLA, JOSEPH VERNER REED, and myself, I am proud to introduce this resolution and urge my colleagues to support it.

REMARKS BY AMBASSADOR JOSEPH VERNER REED
HON. CHRISTOPHER SHAYS
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. SHAYS. Mr. Speaker, I wish to submit for the Record a speech delivered by Ambas-

sador Joseph Verner Reed, Under-Secretary-General of the United Nations and a distin-
guished resident of Greenwich, Connecticut. Ambassador Reed’s remarks were made at the Centennial Celebration of the Yale-China Association on October 6, 2001.

REMARKS BY AMBASSADOR JOSEPH VERNER REED, UNDER-SECRETARY-GENERAL OF THE UNITED NATIONS

CENTENNIAL CELEBRATION OF THE YALE-CHINA ASSOCIATION, YALE UNIVERSITY

Dean Brodhead of Yale College, Counsellor Xu of the Chinese People’s Republic of China in New York City, Mr. Jones, Chair, Board of Trustees, Yale-China Association, Ms. Chapman, Executive Director, Yale-China Association of China, Distinguished Yale-China Family, Ladies and Gentlemen.

What an honor, privilege, and pleasure to be at Yale to celebrate the centenary of the Yale-China Association!

This is a milestone for me as I have been a long-time son of Anglo-American relations. I grew up surrounded by “things Chinese”, sculpture, porcelain, furniture and paintings. Some in my family say I am “in love” with all things Chinese.

As a banker, and as a provider of a close working relationship with Ambassador Huang Hua at the Mission of the People’s Republic of China, we have maintained a lasting friendship. I accompanied David Rockefeller on the first visit of American business following President Nixon’s historic trip to China.

Many moons ago I became associated with Yale University Press in the historic publishing endeavor known as Chinese Civilization and Culture. We at the Yale Press worked side by side with the Chinese authorities, publishers and scholars in an historic undertaking to publish 75 volumes—painting, architecture, philosophy. The first volume on the history of painting won the highest prize in publishing—the Hawkins Prize. It is a grand endeavor with Yale’s most senior graduate as Honorary Chair of the Project, President George H.W. Bush. Henry Kissinger is Chairman of the Advisory Council. Professor Jonathan Spencer is on the Editorial Advisory Board. The Rockefeller Family is supportive with Mrs. Nelson A. Rockefeller serving as Chair of the Friends of CCW.

Mr. Anthony Pourcare is the Head of the United Nations Postal Administration, a great organization, which produces some 50 stamps a year, retailing 500,000 copies. The current series was the United Nations Postal Administration’s most popular stamp.

May I now say a few words as an American citizen, working for the United Nations. Our World has been profoundly altered by the unspeakable acts of evil committed against the United States of America and in fact the world at the beginning of the 21st century—a Day of Terror. 11 September 2001, the 20th anniversary of the United Nations International Day of Peace, was supposed to be a day on which we try to imagine the world quite different from the one we know.

It was to be a day on which “we try to picture, however inaccurately, the dignity, the justice, into understanding and ignorance into knowledge, a day on which we dare to imagine a world free of conflict and violence”. I am quoting from the Message of the Secretary-General of the United Nations, Kofi Annan. That message was recorded on September 10, for the International Day of Peace.

Instead, the horrible and previously unimaginable acts of terror committed by international terrorists have profoundly altered our world. We dare not imagine the entire civilized world, must now be at war against terrorism.

Barely a mile from United Nations Headquarters, the Parliament of Mankind, the Parliament of Peace, more than 6000 innocent civilians from over 60 countries were killed and a symbol of our solidarity and the Free World was destroyed. The Capital of the United States of America was attacked. President George W. Bush, with the entire nation rallied behind him, said this will not stand.

This single most horrible act of international terrorism has united the world across the globe. This was not only an attack on America, but also on everyone in the modern world. This will and shall provide the catalytic force for a unprecedented international coalition to resist terrorism and fanaticism, against hatred, bigotry and ignorance.

On 12 September, the newly elected President of the United Nations Assembly, the Foreign Minister of the Republic of Korea, Dr. Han Seung-soo, stated before the assembled representatives of the international community at the opening of the 56th session of the General Assembly, which had to be postponed by one day:

“Mere words cannot express the outrage and disgust we doubt very well for the vile actions perpetrated in our host country, the United States. I condemn in the strongest possible terms these heinous acts of terrorism that have taken the lives of innocent civilians on 11 September 2001. I have spoken on behalf of the United Nations, and on behalf of the General Assembly offer our deepest condolences to the families and loved ones of the innocent victims.

These terrorist crimes were, in effect, acts of war against all the world’s peace-loving peoples. Their primary target was, by a vicious twist of fate, located in the very city which is home to the world’s foremost institution dedicated to promoting world peace. No terrorists can ever deflect this body from the task to which it has dedicated itself since 1945—ending the scourge of war in whatever form it may take once and for all.”

The United Nations Security Council has, in the meantime, acted decisively, at the initiative of the United States. The General Assembly, in a rare show of unity, is deliberating and adopting measures to eliminate international terrorism. Ladies and gentlemen, these were some of the thoughts that are uppermost in my mind these turbulent days following the Day of Terror.

I have been delivering these remarks a month ago, however, my belief in the importance of the work of the Yale-China Association and the role it has had on the world that we have come to know. Since 1945, the Yale-China Association has been both a pioneer and an exemplar of the many multilateral efforts to ensure peace and security under its auspices. But no institution has contributed more significantly than the Yale-China traditions that we seek to organize and to host the visit of Madame Huang Hua at the Mission of the People’s Republic of China, Minister Chen was the highest ranking member of the Chinese
government ever to visit Yale. On that occasion, I was tremendously impressed by the efficiency and dedication of the Yale-China staff. The success of this visit paved the way for the warm welcome extended to President Levin and his delegation this past May in Beijing. It is thus a special pleasure to return this evening to be with you at the hundredth anniversary of this extraordinary organization, which has contributed so much to the life of Yale University and relations between China and the United States.

We are gathered to salute one of the great international endeavors of the past century. Before there was the Rockefeller Foundation, a United Nations, or a Peace Corps, there was the Yale-China Association. Growing from missionary roots amid the optimism and self-confidence of Yale’s bicentennial celebration in 1901, Yale-China soon evolved into a bicultural educational enterprise that reflected Yale’s spirit of intellectual tolerance and openness. In the process, Yale cultivated its own traditions of compassion, cultural sensitivity, and selfless service for the benefit of others. It is those traditions which we underscore this evening.

Of course, China—indeed, our entire world—isa very different place today from what it was a century ago. Who would have foretold the extraordinary changes China has undergone? Who even a decade or two ago would have predicted China’s recent advances in economic development and education?

Since its founding a century ago, the Yale-China Association has been engaging young Chinese and American people and equipping them with both an appreciation for and the cross-cultural tools essential to successful world citizenship. Today’s instantaneous transmission of ideas and images brings the world closer together, yet it cannot replace the life-changing power of a single intense, personal encounter between people of different cultural traditions. Many of you—Chinese and Americans—have been touched by Yale-China and can testify to its extraordinary power in your lives. These encounters are important not only for the individuals involved, but for the broader cause of international understanding which forms the necessary foundation of peace.

Ladies and Gentlemen, Friends,

We all know that the passengers and crew, all of whom are involved in our nation’s history. Four of our own planes were hijacked and targeted on buildings that define our nation and symbolize our freedom and values. We know that the passengers and crew, all of whom are loved ones, husbands, wives, children, and parents, very likely averted the destruction of the U.S. Capitol and the symbol this institution has become for the democratic process of government, and in the process, saving hundreds, perhaps thousands of lives.

By their heroic acts, the Statue of Freedom still stands at the top of our noble dome, and the light of freedom still shines brightly here in the Capitol.

This resolution expresses the sense of Congress that a memorial plaque to honor Captain Jason D. Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wade A. Dehart, and 33 other passengers on board Flight 93 should be placed on the grounds of the United States Capitol. I urge my colleagues in the House to join in pass

Mr. Speaker. I rise today to encourage my colleagues to vote for this measure; and I really do not think it will take a lot of encouragement because we have had an overwhelming expression of enthusiasm regarding those on United Airlines Flight 93 and their heroic activities.

Mr. Speaker, this is a resolution expressing a sense of Congress that a memorial plaque be established on the grounds of the Capitol. It is an expression of our thanks and condolences to the passengers and crew of Flight 93.

I also want to thank my Legislative Director, Phillip Brown, who has worked very hard to get this done. I think it will be great for posterity as they see a plaque that honors those on Flight 93 who I do believe had a significant part in probably saving our Capitol.

On September 11, United Airlines Flight 93, piloted by Captain James Dahl, departed from Newark International Airport at 8:01 a.m. on a routine flight to San Francisco with six other crew members and 44 passengers on board. Shortly after departure, the flight was hijacked by terrorists.

The hijacking was one of four, as we all remember, on the morning of September 11. We all remember that date because it was a horrible day and a turning point in our nation’s history. Three of these planes hit their targets and injected terror, resulting in an incomprehensible tragedy and loss of innocent life on a scale not seen in this country since the Civil War.

We know that the passengers and crew learned through cellular phone conversations with loved ones on the ground of the deliberations of destruction and murder occurring in New York City and Washington, D.C., and that hijacked aircraft had been used in these terrorist acts of war.

During these phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over the aircraft. It is believed that it was this effort to overpower the hijackers that caused Flight 93 to crash at 10:37 a.m. in southwestern Pennsylvania near Schenksville, short of what is believed to have been its intended target, Washington, D.C., and probably, this very Capitol building we stand in today.

The efforts of these individuals on this plane heroically limited the damage the terrorists could inflict, literally saving their country in the process. We owe the passengers and the crew our gratitude and our honor.

The participants of the resistance on board Flight 93 showed selfless courage and patriotism.

Passengers like Todd Beamer, whose young widow is here today in Washington. He told a telephone operator how much he loved her, and her husband, and expressed his desire that they be given a chance to be together again.

Passengers like Tom Burnett, who left what he knew would be likely his last conversation with his wife saying, “Okay, we are going to do something.”

Passengers like Jeremy Glick, who told his wife that the passengers and crew had taken a vote and agreed to try to take back the plane.

Crew members like Sandra Bradshaw, who told her husband of the plan to rush the hijackers and take back control of the plane, and that she was boiling water to use as a weapon against the terrorists.

The passengers and crew, all of whom are survivors by loved ones, husbands, wives, children, and parents, very likely averted the destruction of the U.S. Capitol and the symbol this institution has become for the democratic process of government, and in the process, saving hundreds, perhaps thousands of lives.

By their heroic acts, the Statue of Freedom still stands at the top of our noble dome, and the light of freedom still shines brightly here in the Capitol.

This resolution expresses the sense of Congress that a memorial plaque to honor Captain Jason D. Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wade A. Dehart, and 33 other passengers on board Flight 93 should be placed on the grounds of the United States Capitol.

Mr. Speaker. I rise today to encourage my colleagues in the House to join in passing this resolution expressing the sense of Congress that a memorial plaque to honor Captain Jason D. Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wade A. Dehart, and 33 other passengers on board Flight 93 should be placed on the grounds of the United States Capitol.
She began her involvement in the community during the 1960's as a member of Brooklyn C.O.R.E. While working at Kingsboro Jewish Medical Center, in the Telecommunications Department, she served as a member of the Executive Hearings and Appeals Board on both Hospital and Guild Divisions for 1199 Hospital Union. She also served as a member of the Chapter Hearing and Appeals Board within the Hospital. In addition, Renae has served as a delegate to several departments of Kingsbrook, as well as, borough representative for all Brooklyn Hospitals with an 1199 affiliation. Renae also has worked in real estate marketing and sales in addition to having an appraisal background from New York University.

In 1987, Renae became a member of Saint Mary Episcopal Church joining the Episcopal Church women's group and serving on the Altar Guild. In 1990, Renae served as the Vice President of the Chapter Hearing and Appeals Board within the Hospital. In addition, Renae has served as a delegate to several departments of Kingsbrook, as well as, borough representative for all Brooklyn Hospitals with an 1199 affiliation. Renae also has worked in real estate marketing and sales in addition to having an appraisal background from New York University.

Renae became a licensed Foster Parent with the Richard Allen Center on Life Agency in 1994. She received her twin boys in early 1996 and was appointed to the executive board of Foster and Adoptive Parents Association. Continuing to be a Foster Parent in 1996, Renae came to the Central Brooklyn Coordinating Council—CBCCC. In 1997, Renae was appointed to the Executive Board for Foster and Adoptive Parents Association locally. Recently, Renae was appointed to serve on the By-laws Committee, for Eureka Grand Chapter in 1998 EOSPMA.

Renae is currently an Executive Board member of the New York State Foster and Adoptive Parents Association as Chairperson of Community Development. She is a member of International and National Foster Parents Association and a candidate for Regional II Vice-President. Renae is an advisor to the Forestdale Family Service Agency, Little Flower Family Service Agency and Foster and Adoptive Parent Association Board Locals. She has facilitated many workshops on Foster and Adoptive Care in School District 17. Renae is also an Executive Board Member of Community Board 17 serving on the Education and Commerce Committees. She is Chair of the Foster Care Sub-committee under the Social Services Committees. While working tirelessly on behalf of her community, Renae has also raised her daughter. She has been blessed by the success of her daughter and her daughter’s dedication to give back to the community in any way that she can.

Mr. Speaker, Renae Smith is committed to serving children and her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on December 5, 2001 when rollcall votes Nos. 469, 470, 471, 472, 473, 474 and rollcall vote 475 were cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted “yea” on rollcall vote 469, “yea” on rollcall vote 470, “yea” on rollcall vote 471, “yea” on rollcall vote 472, “yea” on rollcall vote 473, “yea” on rollcall vote 474, and “yea” on rollcall vote 475.

TRIBUTE TO FRANCIS AND JEAN DOMENIGONI, 2001 DISTINGUISHED CITIZENS GOOD SCOUT OF THE YEAR AWARD

HON. KEN CALVERT OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to a couple whose dedication to the community and to the overall well-being of California’s Inland Empire is unparalleled. On December 11, 2001, Francis and Jean Domenigoni will be honored as Distinguished Citizens for the Good Scout of the Year Award.

The Domenigoni family is one of the oldest pioneering families in the region. They share a history that is as rich as the soil in which they have farmed for over five generations. Angelo Domenigoni, along with his brother Peter and a friend named Gaudenzio Garbani, immigrated to this great nation in 1874. The patriarch of the family, Angelo, arrived in “Pleasant Valley”, now known as Winchester in 1879, and set the Domenigoni family on the road to achieving the American Dream. Through hard work and dedication he and his wife, Maria Antonia established a life that was blessed with seven children: Antonio, Natal, Peter, Jack, Rita, Serafina and Dominica. Antonio married Dominica Fiscalini and they had five beautiful children of their own; Angelo, Francis, Julia, Fred, and Elsa. All five children were born and raised on the ranch. Fred and Francis Domenigoni carried on the family farming operation all of their lives. Francis Domenigoni married Jean Nicar, a member of the Garbani Family. Continuing in the tradition of his parents, Francis and Jean raised five children; Richard, Larry, Donald, Andy, and Steve. Together with his son, Andy, Francis managed the family’s farming and ranching business for twenty years. In 1997, Francis passed away, leaving his wife Jean, his sons, and grandchildren to carry on the family legacy.

For the past fifty years, the Domenigoni Family has been a major sponsor and contributor to the Junior Livestock Auction and Farm Days Fair. The family members in the Riverside County Farm Bureau help support the Winchester Harvesters and Pleasant Valley 4H Programs. The Domenigoni’s have also opened their ranch for the past decade for a riding event to support the Juvenile Diabetes Foundation and American Disabilities Association. The family also recently dedicated a building shell for the Winchester Community Center and Recreation Facility.

The Domenigoni family has vowed to endorse higher education by sponsoring the UC Riverside Scholarship Fund, the Mt. San Jacinto College Foundation, and providing annual scholarships to agricultural students at Hemet and West Valley High Schools. They are also active participants in the Winchester Homeowner’s Association; the Chambers of Commerce in Winchester, Murrieta, and Temecula; the Riverside County Property Owners’ Association; the Murrieta Temecula Group, and the Hemet-San Jacinto Action Group.

It is a well deserved honor and I am proud to pay homage today to a family who has done much for the people in my district.

TRIBUTE TO WILLIE NELSON

HON. GARY G. MILLER OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the philanthropic efforts of legendary country music star, Willie Nelson.

Mr. Nelson recently came to the City of Brea and held a benefit concert to raise funds for the La Habra-Brea Boys and Girls Club. Mr. Nelson treated some 400 country music fans to intimate and memorable evening of his treasured ballads and tunes and, in the process, raised more than $100,000 to help build the Boys and Girls Club an all-purpose facility.

The event was arranged by La Habra-Brea Boys and Girls Club Board Member Tom Duncan, who approached Mr. Nelson, his longtime client and friend, about the need for a permanent club facility in Brea. Mr. Nelson readily agreed to donate his time and talent to kick off the capital campaign with a benefit concert. Unocal Corporation generously offered to host the event in the Hartley Center auditorium in their Brea facility.

The Boys and Girls Clubs across the nation are professional, non-profit organizations that serve children ages seven to eighteen. Dedicated employees help these young people develop character and provide opportunities for healthy social recreation, physical education, as well as citizenship and leadership skills. Proceeds from this successful event will bring the reality of a safe-haven for the youth of the community a step closer.

According to Mr. Duncan, “Willie’s a good-hearted soul and he likes to help people who need it.” Mr. Speaker, I respectfully ask that this 107th Congress join me in saluting the benevolent and compassionate acts of a “Great American,” Willie Nelson.

IN HONOR OF P.O. GLADYS FIGUEROA

HON. EDOLPHUS TOWNS OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of P.O. Gladys Figueroa in recognition of her
twenty-one years of service to the New York City Police Department and the people of New York.

Gladys Figueroa was born in Ponce, Puerto Rico. Her parents brought her to New York City in search of a better life when she was four years old and settled in Williamsburg, Brooklyn where she attended elementary through high school. She graduated from Eastern District High School in 1971. After her first semester at Queens College, Gladys decided to leave school and enter the work force. Gladys has been working since the age of 14 as a summer youth worker.

While working, she held various positions: Receptionist, Administrative Aide, Legal Secretary, Cashier, Salesperson, and Waitress. At the same time, she was always looking for something else. She attended various trade schools, such as Airline Training, Massage, Home Improvement, etc. In January 1980, she finally found her home when she joined the ranks of the New York City Police Department. She was assigned to the 79th Precinct where she spent 13 years of her career. Her first assignment was to patrol the streets of Bedford-Stuyvesant. She saw everything that her precinct had to offer; her worst assignments were dealing with domestic violence issues. After five years, she was assigned to the Community Affairs office of the 79th Precinct, where she remained for the subsequent eight years. Her most rewarding task was working with the Youth and Community Councils. In 1994, Gladys was transferred to the Brooklyn North Community Affairs Office. She remained there until her retirement date on September 30, 2001.

Gladys is a people person. She enjoyed the various tasks associated with representing the police in a positive way with the community. She assisted in senior citizens programs, the Citizens Academy, and girl’s basketball. She was especially fond of working holidays with senior citizens or bringing food to homeless AIDS patients. One of her last assignments was to join the Domestic Violence unit of the 90th Precinct. Her next assignment will be her most significant and most difficult, serving as a full time mom to her pride and joy, 14-year-old Diola, and 12-year-old Alejandro Castillo.

Mr. Speaker, Gladys Figueroa has served the people of Brooklyn and New York City for over twenty-one years of proud and dedicated service as a New York City Police Officer. As such, she is more than worthy of our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

INTRODUCTION OF H.R. 3427. AFGHANISTAN FREEDOM AND RECONSTRUCTION ACT OF 2001

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. LANTOS. Mr. Speaker, today I am introducing H.R. 3427, the Afghanistan Freedom and Reconstruction Act of 2001. I want to thank my good friend, the Gentleman from New York, Mr. ACKERMAN, ranking Democratic Member of the Middle East and South Asia subcommittee. Without his hard work and that of his staff, we would have never reached this point.

As we speak, the Taliban leadership is on the run. The capital city of Kabul has been liberated from Taliban control, as have key cities across Afghanistan. The final pockets of resistance are surrounded and facing imminent defeat. And as freedom returns to Afghanistan, women are throwing off their veils and mająibs and the Taliban in retreat are literally shoving their beards after years of repressive rule.

Now is the time for swift action by this Congress, for the United States to demonstrate to the people of Afghanistan and throughout the Muslim world that the military campaign in Afghanistan is neither a war against Muslims nor a war against the Afghan people. Yes, the United States is committed to wiping-out the terrorist network in Afghanistan. But we must be equally committed to helping the Afghan people reclaim their country and rebuild their lives. We may be close to winning the war but we are far from winning the peace.

The United States did not live up to its commitment after the Soviet invasion of Afghanistan was repulsed. We left the people of Afghanistan and our friends in Pakistan to fend for themselves. Afghanistan disintegrated as a result, as warlords pillaged the country, followed by the Taliban’s repressive rule and ultimately the rise of terrorist elements.

Mr. Chairman, we must not permit the past to be repeated in Afghanistan. Yesterday, the representatives from all major factions in Afghanistan signed a landmark agreement to create a broad-based, multiethnic, gender-sensitive, fully-representative government in Afghanistan. After over 20 years of civil war, foreign occupation, and oppression, the people of Afghanistan see a glimmer of hope breaking through their clouds of fear.

Over the last few months, the International Relations Committee has held a series of hearings regarding the humanitarian needs in Afghanistan. The possibilities for reconstruction, and Afghan hopes for the future. Based on these hearings, it is clear to me that we must help the Afghan people secure a future for their children that is free from war and built on the same hopes and aspirations held by all-free loving people around the world.

Achieving this utopia is not only a moral and humanitarian impulse—it is a national security imperative. If we are to prevent future terrorist attacks targeting the United States, we must provide a positive alternative to the poverty, repression, and religious fanaticism that breeds terrorists such as Osama bin Laden and his minions.

H.R. 3427, the Afghanistan Freedom and Reconstruction Act of 2001 does just that. The bill: Expresses a sense of Congress on the U.S. policy towards Afghanistan, including promoting its neutrality, supporting a broad-based, multi-ethnic, gender-sensitive, fully-representative government, and maintaining a significant commitment to the relief, rehabilitation and reconstruction of Afghanistan.

Authorizes $77.5 million for broadcasting to Afghanistan;

Authorizes $325 million for humanitarian assistance to Afghanistan in fiscal year 2003;

Authorizes $150 million for fiscal year 2002 and 2003 for a multinational security force in Afghanistan and authorizes funding for civil advisers for this country for the interim or transitional authority;

Authorizes $875 million for rehabilitation and reconstruction assistance for fiscal years 2002-2005, with—conditions for each year to ensure that benchmarks laid out in the December 5, 2001 Bonn Agreement between the various Afghan factions are being met; assistance for agriculture, health care, education, vocational training, disarmament and demobilization, and anti-corruption and good governance programs; assistance to women and girls; a report on assistance actually provided; and authority to provide some of this assistance through a multilateral fund.

Authorizes $60 million for Democracy and human rights initiatives for fiscal years 2002 through 2004;

Authorizes $62.5 for a contribution to the UN Drug Control Program for fiscal years 2002 through 2004 to reduce or eliminate the trafficking of illicit drugs in Afghanistan.

Authorizes $65 million for a new secure diplomatic facility in Afghanistan.

Resolved to consult with Congress on any ongoing support for remnants of the Taliban, including sanctions against any country that provides such support.

We are committed to supporting the people of Afghanistan in their quest to established a broad-based government that respects human rights, especially the rights of women and children—and practices religious tolerance.

Mr. Chairman, I, along with GARY ACKERMAN, the ranking member on the Middle East and South Asia subcommittee, and the Gentlewoman from Florida, Ms. ROS-LEHTINEN, the Chairman of the International Operations and Human Rights Caucus, am introducing this legislation to put the U.S. Congress squarely behind the people of Afghanistan and its nascent hopes for a brighter future.

TRIBUTE TO CHARLES S. KNISLEY
HON. JAMES A. TRAFICANT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TRAFICANT. Mr. Speaker, I was deeply saddened to hear of the passing of my dear friend Charles S. Knisley.

Charles S. Knisley was a renowned master horse trainer, and an upstanding citizen of the community dedicated to his friends and beloved children.

Charles had a life-long love for horses. He was a Master Horse Trainer and produced two outstanding Saddlebred stallions: Prime Time and a half and Sparkling Running Wild.

He worked with Ms. Linda Cooper, an accomplished horsewoman in her own right, and Judith and Bill Cottrill, who established some of the finest blood stock of Saddlebred horses in America.

He loved the Saddlebred horse, was an expert farrier of show horses and was an expert rider and handler of high strung Saddlebred show stock for Ms. Cooper.

Chuck, as he was known to his friends, always had a good word for all; but he was not known to say much. He spoke with his deeds.

Charles “Chuck” Knisley was a great father, a great husband, a great friend, a great horseman and a great American. He will be sorely missed.
CONFERENCE REPORT ON H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF HON. KEVIN BRADY OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2001

Mr. BRADY of Texas. Mr. Speaker, last week, the House passed the conference report on H.R. 2299, Department of Transportation and Related Agencies Appropriations for FY 2002. I was pleased to support this legislation and would like to thank the committee for including language which benefits my constituents in the 8th Congressional District of Texas.

First, the committee was kind enough to include report language that encourages the Federal Highway Administration to collaborate with the Texas Transportation Institute (TTI) at Texas A&M University on their Work Zone Safety Information Clearinghouse. The only one of its kind in the United States, the Clearinghouse provides information and referrals to government agencies, public and private organizations, and the general public concerning the safe and effective operation of traffic work zones.

Work zones have always been dangerous places for construction workers and travelers. With more and more highway construction and maintenance under way, most of the time traffic cannot be shut down while work is being done. Highway workers must often perform their jobs with traffic just a few feet away. Unfortunately, this has resulted in more than 20,000 accidents in highway work zones, injuring some 5,000 people and killing 700 more. In my home state of Texas alone, 125 people were killed in a construction or maintenance work zone in 1998.

The National Work Zone Safety Information Clearinghouse housed at TTI is a part of the solution. With a toll-free call, a fax or visit to the Clearinghouse’s website, contractors, workers and safety officials now have access to a wide array of information and materials. The Clearinghouse collects, maintains and makes available information on work zone safety, crash statistics, construction standards, worker safety training, safety products and public awareness and law enforcement campaigns. Through these efforts we are seeing progress, but more work needs to be done to help make work zones safer and save more lives.

The continued efforts of TTI and the Clearinghouse are critical to furthering work zone safety. It is my goal to see that important transportation research such as the work zone safety clearinghouse continues to receive the support it deserves.

I would also like to speak today about a provision that represents a good example of community and university partnership in my district. The Conference Report provides funding to Brazos Transit to purchase new buses and then lease them on a multi-year agreement to Texas A&M University at a nominal yearly fee. These new buses will help meet the transportation needs of the community by providing students living in the community with safe, efficient and economical transportation to and from campus. This new partnership will benefit Brazos Transit, Texas A&M University and most importantly the students.

TRIBUTE TO MICHAEL A. POLLACK OF ARIZONA IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. HAYWORTH. Mr. Speaker, I rise today to pay tribute to a valued constituent, Michael A. Pollack, president and founder of Michael A. Pollack Real Estate Investments in Mesa, Arizona and a man who is devoted to improving the lives of those living in the communities surrounding his housing developments.

Michael Pollack’s involvement with the community is well known and the list of causes to which he contributes is lengthy. Operating on the philosophy that corporate philanthropy begins at home, Michael has contributed generously to numerous local causes, including the Chandler Service Club, the YMCA, the Boys and Girls Clubs of America, Chandler Regional Hospital, several local high schools, various churches, synagogues and rescue missions, as well as the Arizona Children’s Association Program. He also supports national charities, including Special Olympics, the Juvenile Diabetes Foundation and the American Cancer Society, to name just a few.

Earlier this year, Michael arranged for famed Notre Dame football player Daniel “Rudy” Ruettiger, the subject of the 1993 movie Rudy, to deliver an inspirational pep-talk to the Dobson High School football team, which hadn’t posted a winning season since 1994. Following Rudy’s message and a private viewing of the Rudy film at Michael’s Tempe movie theatre, the team went on to win the first four games of the season.

Michael is a business person who leads by example and his personal contributions to the community are many. The end result is that Michael epitomizes the principles that make America great: hard work, integrity and giving back to the community.

I join others, such as former Congressman and current Secretary of Transportation Norman Mineta; former State Senator John Huppenthal; Arizona Governor Jane D. Hull; Glendale, Arizona Mayor Ellice Scroggs; Mesa, Arizona Mayor Keno Hawker; Chandler, Arizona Mayor Jay Tibshraeny; Tempe, Arizona Mayor Neil Giuliano; Tucson, Arizona Mayor Robert Walkup and many other city,
MEMORIAL TO JACQUES LESSTRANG

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to honor the memory of Jacques LesStrang, whose lifetime of accomplishments included worldwide recognition as an author and expert on the Great Lakes and the founder of Harbor House Publishers. Mr. LesStrang passed away on December 5 at the age of 75.

Jacques LesStrang was one of the nation’s outstanding and most widely quoted authors on the Great Lakes. He wrote six books on subjects ranging from international trade to maritime and political history, to U.S.-Canadian relations. His book “Seaway,” which chronicled the history of the St. Lawrence Seaway, was a Book-of-the-Month Club selection. He began publishing the widely respected and internationally distributed maritime journal, Seaway Review, in 1969 and served as Editor-in-Chief for 24 years. He founded the successful regional firm Harbor House Publishers, and served as CEO until 1990. In addition, Mr. LesStrang published economic reports for the U.S. Congress and the Canadian Parliament and wrote the script for the 1993 PBS documentary, “Inward Passage.” He was named “Maritime Writer of the Year” by the U.S. Propeller Club and “Great Lakes Man of the Year” by the governors of the eight Great Lakes states and premiers of the Canadian provinces of Ontario and Quebec.

In recent years, Mr. LesStrang served as the CEO of the LesStrang Group, a Christian publishing and marketing firm in Palm Desert, California. LesStrang was also the former president and creative director of an international advertising and marketing agency with offices in Michigan and London, England. He served as an international marketing consultant to the State of Michigan, heading trade missions to Europe to generate business for the state. In addition, he managed a number of successful state and national political campaigns for congressional and gubernatorial candidates, including former Michigan Governors William Milliken and George Romney. Mr. LesStrang’s work on international marketing for the maritime industry has been published in 16 languages.

Born in Pittsburgh, raised by his mother, Ada, LesStrang developed a lifelong love of literature and music, which he shared with his seven children and eleven grandchildren. LesStrang served in the Air Force during World War II and as a military journalist at Scott Field in St. Louis. He received degrees from George Washington University in Washington, D.C. and the University of Michigan.

Perhaps Jacques LesStrang’s greatest legacy is the family he raised with his wife Barbara. Many of the members of the California Congressional Delegation will attest to the hard work and dedication of his son, Dave LesStrang, who is my deputy chief of staff and served as the staff member to the California Republican Delegation for many years. In the last days of his life, Jacques LesStrang was joined by Dave and his other children—Michelle Cortright of Boyne City, Michigan; Diane Mathias of Palm Desert, California; Steve Marcks of Carlsbad, California; Paul LesStrang of Ringle, Wisconsin; Linda Keefer of Ridgefield, Connecticut; and Christian LesStrang of San Francisco, California—with his 11 grandchildren and great-grandson.

Mr. Speaker, please join me in extending condolences to the family of Jacques LesStrang and in remembering his many achievements.

MARION: A COMMUNITY OF CHARACTER

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. OXLEY. Mr. Speaker, at a time when America has discovered the power of traditional values, I bring to your attention an inspiring project that students in Marion in the Fourth Congressional District of Ohio have undertaken.

Students at the Elgin Junior and Senior High Schools have embraced President George W. Bush’s “Community of Character” initiative. The Elgin Energizer Sing Choir, under the direction of Tanyce J. Addeson, is highlighting the theme of character during its music programs. The students are performing public concerts, including one entitled “A Concert of Character,” that have inspired children and adults alike. These performances are sending a positive message about the importance of good character and moral conduct.

Setting an example for her students, Ms. Addeson secured a $500 “Music With Character” grant that has allowed students to share their musical gifts with the community. Other projects have included a concert with a drug-free message, and a collection of student essays on character. According to Ms. Addeson, these events “have been tremendously accepted by the students and the community. We have many more activities planned to continue on.”

In praise of this project, the principal at Elgin High School, Robert A. Britton, wrote, “We here in the Elgin Local School District are making a serious attempt at instituting the message that President George W. Bush was delivering to an elementary school in Florida on September 11, 2001.”

I have informed President Bush that he will find, in Marion, a shining example of a community embracing the values that have kept America strong through every challenge. The students at Elgin are a source of pride for the community, and serve as an example for the nation.

As Marion’s representative in Congress, I am pleased to be able to take this opportunity to recognize the work of the students, Ms. Addison, and the Elgin Local School District.

CELEBRATING THE 15 YEARS OF REVEREND DR. KENNY SMITH’S PASTORSHIP

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor a great citizen of Northern Virginia, Reverend Dr. Kenny Smith. He is currently serving as pastor at the First Baptist Church of Vienna, Virginia. Along with celebrating Rev. Smith’s 15 years of service, the Church is celebrating its 134th anniversary of serving the community.

Rev. Kenny Smith is originally from Atlanta, Georgia, and attended the University of Nebraska-Omaha, Howard University, and Virginia Union University. In his community, he leads a great deal of other accomplishments. Most recently, he received the Dean’s Pastor’s Award from the Dean of Howard University’s School of Theology and the Outstanding Achievement in Religion Award from the Howard University Alumni Club of Northern Virginia. He is a well traveled man as well. He visited Israel, the seven churches mentioned in Revelation (Turkey), the Isle of Patmos (Greece), as well as 8 other countries.

Reverend Smith currently serves on the General Board of the Baptist General Convention in Richmond, Virginia. He is also on the Board of Directors for Habitat for Humanity. Previously, he held a position with the Fairfax County Branch of the NAACP. Through his leadership, the First Baptist Church has continued its excellence in serving the community. One organization that the church is constantly willing to support is Habitat for Humanity. The members of the church have assisted in building many homes for families in need. The church even helped with the cost of the supplies.

In 1996, members of the church traveled to South Carolina to help in the rebuilding of churches, after several were burned down by acts of arson. And under the guidance of Rev. Smith, members of the church went, along with another local church, to Haiti on a missionary project.

Mr. Speaker, in closing, I want to send my best wishes to Reverend Dr. Kenny Smith for his 15th anniversary with the First Baptist Church of Vienna and wish him the best in his future endeavors. It’s been said that a good leader takes a little more than his share of the blame, a little less than his share of the credit. This is the kind of selfless humility that has characterized Reverend Smith’s tenure at his church. I ask that my colleagues join me in congratulating this fine citizen.

IN HONOR OF VERNON K. JONES

HON. EDOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Vernon K. Jones, a dance teacher at JHS 258, in Brooklyn; they have two sons, Vernon Jr. and
TRIBUTE TO MARY ANN HEIMERS

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. HUNTER. Mr. Speaker, I rise today to honor Mary Ann Heimers for her many accomplishments and contributions to the people of San Diego and, in particular, our community in East County. Mary Ann, and her husband Wolf Heimers, have lived in my district for over 35 years. They own a home in the El Cajon business community for 48 years. Mary Ann has touched thousands of lives through her many years of service as a volunteer.

Mrs. Heimers is always at the forefront of assisting those in need. She has spent over twenty years in service to our neighborhood’s elderly, sick, and those who just need a helping hand. Mary Ann’s dedication to others is evident in the work she performs with nonprofit groups in San Diego, such as Victory Chapel, SHARE, the Food Pantry, and the countless number of people she helps every day. Last year, she was named Volunteer of the Year for 2000 by a local service club for her outstanding work in San Diego County.

I have personally worked beside Mary Ann on many occasions and have witnessed her commitment to our community and the joy and comfort she brings to those who need it most.

Again, I am honored to rise today in special recognition of my friend Mary Ann, and join her friends and family, including her husband Wolf, son Richard, daughter Susan, and grandchildren, to commend her work and thank her for her tireless efforts throughout the many years of service to our community and our Nation.

TRIBUTE TO THE EISENHOWER MEDICAL CENTER

HON. MARY BONO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mrs. BONO. Mr. Speaker, I rise today to recognize Eisenhower Medical Center on the occasion of its 30th Anniversary.

Eisenhower Medical Center is the only not-for-profit hospital in the Coachella Valley. The mission of Eisenhower Medical Center is “to provide excellent health care services and education to enhance the health of our community.”

Eisenhower Medical Center has provided high quality compassionate patient care through a full range of state-of-the-art diagnostic treatment, and emergency facilities to residents of the Coachella Valley and beyond for 30 years.

The spirit of volunteerism, philanthropy and patriotism found at Eisenhower is truly impressive. There are more than 800 active volunteers working at the medical center and nearly 1,800 Auxiliary members.

The Boards of Trustees, Directors and Governess, physicians, employees and volunteers are dedicated to maintaining Eisenhower’s leadership role in providing quality patient care and community service.

Eisenhower’s reputation for outstanding patient care attracts physicians and professional staff from the finest in their fields. Their expertise in clinical care, combined with compassion and understanding, has made Eisenhower the health care provider of choice in the Coachella Valley.

The 261 bed hospital continues to be a leader in providing innovative treatment, leading-edge procedures and important clinical research in cardiology, orthopedics and cancer care. Eisenhower conducts the type of research typically found at university-based medical centers in the fields of cancer care, orthopedics, infectious diseases and cardiology. The medical center’s contributions to exploring new treatment methods in these fields are shaping the future of medicine around the world.

Eisenhower Medical Center is unique among hospitals, bringing health education through the Annenberg Center for Health Sciences, drug and alcohol treatment through the Betty Ford Center, and care for victims of child abuse through the Barbara Sinatra Children’s Center.

As Eisenhower looks towards its future, all of the constituents of California’s 44th Congressional District can be comforted in knowing of the expansion of their services. The new millennium will usher in the extension of programs in Cardiology, Cancer Care, and Orthopedics.

Again, I would like to recognize the contributions that Eisenhower Medical Center has made to the thousands of constituents who have received medical assistance over the past 30 years.

INTRODUCTION OF H.R. 3423

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I am introducing today a bill to make certain reservists eligible for burial at Arlington National Cemetery. I am joined by the Honorable FRANK WOLF, Honorable MIKE BILIRAKIS, Honorable STEVE BUYER, Honorable MIKE SIMPSON, Honorable RICHARD BAKER, and Honorable ROB SIMMONS and Honorable TOM DAVIS in introducing this measure. Our bill would allow burial at Arlington National Cemetery of (1) reserve members under age 60 who but for their age would have been eligible at the time of their death for retired pay under title 10; and (2) reserve component members who die in the line of duty while on active duty for training or inactive duty training. The bill would be effective for interments occurring after the date of enactment.

Mr. Speaker, I am proud that this Nation affords a final resting place for every veteran who has honorably served in its Armed Forces. The Department of Veterans Affairs administers 133 national cemeteries throughout the United States, and since 1980 has provided for 3,727,236 veterans and family members. Last year, over 82,000 veterans and family members were interred in VA cemeteries and more than 14,000 veterans and family members were buried in state veterans cemeteries. In addition, 3,727,236 veterans and family members were buried at Arlington National Cemetery (ANC), which is administered by the Department of the Army.
I will not recite the storied history of this cemetery nor the famous Americans who are buried there. However, because there is limited space for in-ground burial at the cemetery, in 1967 the Army adopted rules restricting eligibility as to which veterans can be buried at ANC. (ANC was provided space for cremated remains in its columbarium for an honorably discharged veteran eligible for burial at any of the other national cemeteries.) In general, Army rules restrict in-ground burial at ANC to veterans who were wounded in combat, died on active duty, received one of the military services' highest awards for gallantry, were held as a prisoner of war, or retired from military service. In addition, veterans who do not meet these criteria but whose served in a high Federal office (e.g., cabinet secretary, Supreme Court justice, Member of the House or Senate) are also eligible, as are the immediate family members of all veterans buried there.

Under the current Army rules, which few Americans are familiar with, a reservist who has retired from the Armed Forces but is not yet age 60 is ineligible for in-ground burial at ANC. Similarly, members of the reserve component who die while performing training duty on a weekend or for a two-week period are not eligible for in-ground burial at ANC, even though servicemembers who die in similar circumstances while on active duty would be eligible for such burial.

Given the increased responsibilities assigned to our Reserve and National Guard forces, I believe that a compassionate government should treat these reserve component members whose death is in the line of duty in the same manner as those active duty members whose death occurs in the line of duty. We should honor their service and the loss of their lives the same, even though their families may elect not to bury them at Arlington. That is the purpose of this legislation, and I urge Members to support it.

IN HONOR OF SHARONNIE M. PERRY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in recognition of the outstanding community service of Sharronie M. Perry.

Sharronie Perry was born in Bedford Stuyvesant in Brooklyn, New York. She is the mother of two sons, Da-Shawn and Jah-Son and the proud grandmother of Jayla and Jah-Son.

Serving her church and her community for over thirty years, Sharronie has distinguished herself as a hard worker committed to service. She is part of numerous community organizations, including Our Lady of Charity Church, The Knights of Peter Claver Auxiliary Unit 229 and Solid Ground Ministries where she works closely with Father James E. Goode and Grandlady Carmela Rodriguez. Involving herself in the politics of the community. She has served as a campaign manager for some of Brooklyn’s most powerful elected officials from city council to New York City’s borough president. Sharronie is currently the District Director in my Fulton Street Office as well as the Chairperson of Community Board 5.

Following her motto: “I have come to serve and not be served”, Sharronie has received numerous awards and recognitions for her tireless efforts. By extending her hands to those in need and dedicating her life to her brothers and sister, Sharronie has brought hope to those who had given up. As Co-Chair of the Ladies HIV/AIDS and Homeless Ministry, she helps to provide meals, shelter and the comfort of visitation to those many choose to forget. As the founder of the First Women’s Day to be held in the Catholic Church, Sharronie raised over $75,000 in funds to buy a church van for Our Lady of Charity Church and to make renovations in the Malcolm-Bethune Hall.

Sharronie has evangelized on both the local and national levels. Performing the opening prayer service at the National Convention for the Knights of Peter Claver Ladies Auxiliary for the past six years has been one of her greatest pleasures. She has had the honor of being invited to be the keynote speaker at the Young Black Achievers program and the HIV/AIDS prayer service at the Archdiocese of New York. Using a very personal and “hands on” approach, Sharronie has been invited over and over again to conduct workshops across the City. Most recently, she facilitated the HIV/AIDS workshop for the Office of Black Catholics in the Bronx, also conducted a workshop in July 2001 for the National Gathering of Black Catholic Women sponsored by the National Black Sister Conference in Charlotte, North Carolina.

Mr. Speaker, Sharronie Perry’s contributions to Brooklyn have definitely improved the quality of life for her neighbors and her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

TRIBUTE TO DEBORAH ERVIN

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Deborah Ervin of Edinburg, Illinois, and her effort to honor all those who have served to remind us that we can remain free only because our people are willing to defend that freedom, and this flag is a fitting tribute to them. Ms. Ervin deserves our thanks, not only for creating such a heartwarming symbol, but also for her patriotism and devotion to her country. May God bless her, and may God bless the United States of America.

THE OVER-THE-ROAD BUS SECURITY AND SAFETY ACT OF 2001

HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. PETRI. Mr. Speaker, today, the leadership of the Transportation and Infrastructure Committee has introduced the Over-the-Road Bus Security and Safety Act of 2001. This bipartisan legislation puts in place a bus security program to better protect the bus riding public.

The latest figures from the American Bus Association demonstrate that the over-the-road bus industry, comprised of private bus and tour and travel operators, transports 774 million passengers annually. The industry’s 8,000 operators and almost 200 tour operators, using 40,000 motor coaches, transport more passengers than the airlines and Amtrak combined (650 million passengers). In addition, Greyhound Bus Lines and its interline partners take passengers to some 4,000 destinations, more than 7 times the number served by air or Amtrak.

Since the attacks of September 11, 2001, the Committee has reemphasized its examination of all modes of transportation security. As an important element of multi-modal transportation, the over-the-road bus industry must increase its security measures. Unfortunately, recent terrorist attacks on foreign buses and bus stations demonstrate the necessity for bus security. In fact, an analysis of worldwide terrorist activities from 1920–2000 shows that 49% of terrorist attacks involve a bus or a bus facility.

While bus operators have made some security improvements, Congress must provide assistance to their ongoing efforts. Our legislation establishes a grant program that will be administered by the Secretary of Transportation. Eligible uses include expanding the passenger and baggage screening process, establishing electronic ticketing, hiring security officers and making physical security improvements to bus stations.

This program is authorized at $200 million in the first fiscal year. After an appropriation is made, a twenty-five dollar fee on each bus ticket will be collected. This fee will be used to fund the bus safety program in the following fiscal years.

There is an affordable bill that brings the priceless bargain of security to the bus riding public. I hope that my colleagues support this bipartisan effort to better protect the bus riding public.

CREDIT HON. JOHN JULIA
HE WAS ONE OF THE GREAT UNSUNG HEROES OF CHARLOTTE IN THE LAST 50 YEARS,” SAID DEVELOPTER JOHNNY HARRIS. “STAN AND SIS HAVE BEEN SUCH A MAJOR PART OF MAKING THIS CITY BETTER FOR ALL THE PEOPLE.”

In a city of gray suits, Kaplan was a Technicolor character. With beefy girth and bushy eyebrows, he managed a neat look despite tailored suits and French cuffs. He loved golf, good cigars and fancy cars. He once drove a Rolls Royce with a hood ornament that featured his own likeness. A Pennsylvania native, he was a consummate salesman.

During the Depression, he sold Band-Aids on the street and one year made more money than his father, a furniture salesman. After going off to fight in Normandy, he returned home and bought a succession of colleges and jobs in radio management.

He was working in syndication when he met his wife, Ethel. More smitten than she was with him, he turned to a sales technique: flip charts.

“Stanley’s fantastic,” said one. “You’ll just love being married to him,” said another.

“He’s better looking than you think,” read a third.

It worked. He and Sis, the daughter of a Chicago broadcasting executive, decided to buy their own radio station. Scouring the country, they settled in 1965 on a small Charlotte station called WAYS-FM, then in last place among eight AM stations.

The Kaplans renamed it “Big Ways” and turned it into a music format that featured the top 40. The station became a super hit, and in 1981 Kaplan hired a new general manager, Royce Willard, who later worked for Kaplan as news director of WAYS-FM and is now associate publisher of The Leader.

Kaplan named the station station manager after a Top 40 hit. The station was on its way to becoming a No. 1 station.

Stan and Sis had been married for 35 years and had three children. Stan Kaplan died Wednesday, Jan. 28, 2004, at age 76. He had been in ill health for several years.

Kaplan was a brash Yankee who brought his competitive, brilliant broadcasting style to the Carolinas. He was a native New Yorker and had worked in radio for 30 years before coming to Charlotte. He was an extremley competitive man, and the Kaplans always operated as a team.

He was a quick study and learned the business quickly. He was a quick study and learned the business quickly. He was a quick study and learned the business quickly. He was a quick study and learned the business quickly.

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Hospitals and the Health Care Finance Management Association. He volunteers his services as the Treasurer for the New York Chapter of the National Association of Health Service Executives.

Neil provides mentorship to undergraduates and graduate students from the Institute of Diversity, a program designed to develop aspiring minority health care executives. He is also involved in the Long Island University mentoring program. He has conducted motivational speaking lectures for high school students on many occasions. His goal is to make a difference and to close the gap in the disparities that exist in healthcare by ensuring that more minority students become health care providers.

Neil is married to Carol Moore. He and Carol are the proud parents of Oneika, Dionne and Joshua.

Mr. Speaker, Neil J. Moore has dedicated himself to the healthcare and education of his community. As such, he is more than worthy of receiving this recognition and I urge my colleagues to join me in honoring this truly remarkable man.

DELHI BULLDOGS, NEW YORK STATE CHAMPS

HON. SHERWOOD L. BOEHLELT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BOEHLELT. Mr. Speaker, I rise today to pay tribute and offer congratulations to the Delhi varsity football team which is the pride and joy of the Delhi community after winning the New York State Class C Football Championship. The Bulldogs, under the leadership of veteran coach Dave Kelly, defeated a tough-as-nails Cambridge team 39-21 to secure a school-record 12th win of the season and the state title.

Football is the ultimate team sport, and the young men of the Delhi Bulldogs have reached the pinnacle of achievement at their level of competition. Proof of the team’s extraordinary ability can be found beyond the scoreboard in the words of the opposing coach in the championship game: “There are not a whole lot of teams that can beat you the way Delhi can. They seem to do everything well.” That’s a high compliment.

Mr. Speaker, big plays at crucial times in the game proved to be the difference. One of the biggest plays was an interception by defensive back Tom Tuthill in the end zone that stopped a Cambridge scoring drive with just under six minutes left in the 4th quarter. At the time, Delhi was clinging to a 32-21 lead. Tuthill had another interception in the game as well, along with two picks by teammate Mike Barnes.

On offense, the team was led by the cohesive offensive line, quarterback Chris Clark, running backs Brian Neale and Brett Sohns, and big play receiver Mike Barnes. As an offensive unit, they got the job done.

Not only was the Bulldog’s impact felt on the field, but felt off the field as well. More than 3,000 supporters of the team traveled to the field, but felt off the field as well. More than 3,000 supporters of the team traveled to

PERSONAL EXPLANATION

HON. JAMES H. MALONEY
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, on Wednesday, December 5, 2001, I was unavoidably detained and missed rollover call No. 475. Had I been present, I would have voted “aye” on rollover No. 475.

EXPRESSIONS SENSE OF CONGRESS IN HONORING THE CREW AND PASSENGERS OF UNITED AIRLINES FLIGHT 93

SPEECH OF
HON. JAMES L. OBERSTAR
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 5, 2001

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 232, which formally expresses the sentiment of Congress in honoring the crew and passengers aboard United Airlines Flight 93.

On September 11, 2001, four aircraft were hijacked and then simultaneously used as weapons of mass destruction against the United States. Through the selfless acts of the crew and passengers, one of those aircraft, United Airlines Flight 93, fell far short of its intended target—Washington, D.C. I have no doubt that it is because of the heroic actions taken by the crew and passengers of Flight 93, that the Washington D.C. area did not sustain more damage. We owe them our eternal gratitude.

Like the Pan Am 103 terrorist attack in December 1988, the events of September 11th have challenged us as a nation, and have forced this Congress and this Administration to re-evaluate the state of security for domestic and international commercial air service.

On November 19, 2001, President Bush signed into law the Aviation and Transportation Security Act (P.L. 107-71). This Act completely overhauls our nation’s aviation security system. In addition to integrating all security functions within a new Transportation Security Administration, the Act also federalizes the screening workforce to greatly improve the quality of the screening process. Further, the Act mandates 100 percent checked-baggage screening, strengthens cockpit security, expands the Federal Air Marshal program, and ensures that all crew members receive proper training to deal with terrorist attacks. The Act’s goal will go far to close loopholes in aviation security. Equally important, however, is to ensure that our intelligence gathering keeps pace with these new threats. Credible, potential threat information must be readily synthesized and disseminated to prevent a future tragedy such as that befalling Flight 93.

Eleven years ago, the President’s Commission on Aviation Security and Terrorism, on which I served as a Commissioner, recommended that we become more aggressive in our intelligence gathering, evaluation, and dissemination. Quoting from the report,

The Commission also recommends greater emphasis within the intelligence community on developing a specific mission whose principal function will be long-term strategic thinking and planning on terrorism. The objective is to be better able to anticipate future terrorist strategies and tactics, rather than simply to react to incidents as they occur.

This is the most challenging aspect of our aviation security network. It is difficult to penetrate these highly-secretive organizations that operate on a war-like footing. The Aviation and Transportation Security Act requires the coordination and sharing of intelligence information among federal agencies, including the new Transportation Security Administration. Counter-terrorism also requires renewed higher-level coordination through Interpol, with our allies, and with other nations like Russia and China, as the PanAm Commission recommended eleven years ago. The skills of terrorists have stepped up several levels since the Commission’s 1990 report. We must ensure that our counter-intelligence rises to meet that threat.

With the appropriate counter-intelligence efforts and security implemented to the fullest extent, we can ensure that the legacy of the crew and passengers of Flight 93 is world-class aviation and inter-modal security system. Our citizens can forever enjoy the freedom of travel that this great nation provides to the envy of the rest of the world.

I urge my colleagues to support this resolution.

THE CLEAN DIAMOND TRADE ACT

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today as a cosponsor H.R. 2722 to give it my full support and urge my colleagues to join me in passing this important piece of legislation. This bill will improve the lives of countless persons in Africa and around the world.

For too long, the diamond trade has been a source of funds for violent rogue leaders and their cronies to purchase the weapons they use to terrorize, dominate, and murder innocent civilians in some of the world’s most desperate countries. The illegal diamond trade has also been a significant source of funds for al Qaeda terrorist organization and Osama bin Laden. Wars have been fought and entire populations have been eliminated in pursuit of this dirty money, but today the United States Congress will act to cut off the flow of these “Conflict Diamonds.”

Today, we take the first step to prohibit the importation of conflict diamonds and their derivatives into the United States. This will have an immediate and major impact on the international diamond market. The United States is
IN HONOR OF NICOLE CHRIS-STINA MASON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Nicole Chris-stina Mason in recognition of her selection as the Concerned Women of Brooklyn’s Youth of the Year.

Nicole Chris-stina Mason was born in Brooklyn on October 8, 1984 and she has been raising eyebrows ever since. She is currently a junior at Boys and Girls High where she is currently first in her class and has been the Student of the Week for both years of Junior High School.

In addition to focusing on her schoolwork, Nicole has received numerous awards. As a student of the Week, Nicole received the Principal Award for being on the honor roll for both years of Junior High School; she received an athletic award, a leadership award, a Presidential Education Award for being a student of the Week, and a Science Award for her outstanding performance in Science.

During Nicole’s youth life she has already received numerous honors: in junior high school, Nicole received the Principal Award for being on the honor roll for both years of Junior High School; she received an athletic award, a leadership award, a Presidential Education Award for being a student of the Week, and a Science Award for her outstanding performance in Science.

Mr. Speaker, as a former police officer myself, I consider it my honor to recognize Sheriff Patrick Sullivan, Jr. for his dedication to the safety of America’s citizens.

The center was named the W.A. Jones Wrestling Center. This donation represents more than $1 million that Mr. Jones has given to the sport of wrestling in his hometown.

In the years since his high school wrestling career, he has certainly exhibited these qualities. Most recently, he did so with a large donation to the Cleveland High School to build a first-class wrestling center. This donation represents more than $1 million that Mr. Jones has given to the sport of wrestling in his hometown.

This is the largest amount ever given by one individual to a public high school in Tennessee.
PAYING TRIBUTE TO HENRY BERNARD DANNELS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity to recognize the life and memory of a valuable member of the community of Estes Park, Colorado. Henry Bernard Dannels died recently, at the age of seventy-eight. He was a kind mind with a caring heart and will surely be missed by all those whom Henry knew.

Mr. Dannels was born in Longmont, Colorado in 1923. As a teenager, he moved with his family to Estes Park where he attended high school. He later went on to graduate from the University of Northern Colorado in Greeley after which he began his public service. Dannels served as a Lieutenant and Commanding Officer in the Navy during World War II in the Pacific theatre. After returning to Colorado, Henry became a fixture for the youth in his community, volunteering for the Boy Scouts of America as a Cubmaster, Scoutmaster and Explorer Advisor. In recognition of his efforts, he was honored with the Silver Beaver Award from the Boy Scouts of America as well as the Golden Key Award from the City of Estes Park.

Henry’s true dedication and service to his community began in 1972. Following in his father’s footsteps, he was elected as a town trustee for Estes Park. He served as a town trustee until he was elected Mayor in 1984. Mr. Dannels served as a dedicated and caring Mayor until his retirement in 1996. Prior to retiring, he established a long list of achievements. His efforts and accomplishments did not go unnoticed. December 18, 1992 was named “Mayor Bernie’s Day.”

Mr. Speaker, Henry was a great asset to the people and the town of Estes Park, Colorado. He fought for Americans in the Pacific as well as in City Hall. My thoughts and prayers go out to Mr. Dannels’ friends and family during these trying times. Henry’s efforts will serve as a benchmark for those who follow his lead and his contributions will not be forgotten.

SLOVAK PARLIAMENT NARROWLY DEFENDS REPEAL OF CRIMINAL DEFAMATION PROVISIONS

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. SMITH of New Jersey. Mr. Speaker, on November 8, Slovak Parliamentarian Tomas Galbavy, a member of the ruling Slovak Democratic Coalition, introduced an amendment to the state’s criminal code which would repeal articles that make defamation of certain public officials a crime. My fellow parliamentarian made an important stand at a time when many seem to believe that free speech is an expendable luxury. As Co-Chairman of the Helsinki Commission, I commend Deputy Galbavy for efforts to strengthen one of the most important cornerstones of democracy.

The criminalization of slander, libel or defamation, as well as laws which purport to protect public officials or bodies from “insult,” is a longstanding concern of Members of the Helsinki Commission. In fact, I have repeatedly raised concern about the use—or, more correctly—abuse of such laws. Most recently, at Commission hearings in September and October, I expressed concern about the use of such laws in the current crackdown on independent media in Azerbaijan. In November, “insult laws” were again used as an excuse to close an independent paper in Azerbaijan. Frankly, Mr. Speaker, as an elected politician, I find “insulted” every day of the week—and twice on Sunday. It’s part of the job.

I am not alone in my views. At OSCE meeting involving the United States has repeatedly called for such laws to be repealed. Similarly, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the Organization of American States Special Rapporteur on Freedom of Expression issued a joint statement in February 2000 which concluded that “criminal defamation laws should be abolished.”

Simply put, Mr. Speaker, Slovakia’s current criminal defamation law—a holdover from a bygone era—is not consistent with the international commitments and obligations it has undertaken as a free and independent state. I am particularly concerned that journalist Alex Kratky has been charged with a criminal offense for criticizing a speech delivered by Slovak President Schuster. If found guilty, Kratky faces two years in prison for his opinions.

Unfortunately, the Galbavy amendment was defeated by the narrowest of margins, failing by just one vote. Although Deputy Speaker Pavol Hrusovsky voted in favor of the amendment, most of the other parliamentary leaders either abstained or did not participate in the vote. The Slovak Parliament came so close to doing the right thing, so close to demonstrating the kind of regional leadership so desperately needed, but stopped short by one vote. I know the Slovak Parliament has a great deal of work before it now, and I particularly appreciate the work of the Parliament and the Government in supporting the war on terrorism and their efforts to ensure that U.N. Security Council Resolution 1373 is fully implemented. At the same time, I believe that there are still opportunities for Slovakia to act on the important human rights issue of criminal defamation.

First, the Constitutional Court could declare the provisions of Articles 102, 103 and 206 unconstitutional—especially bearing in mind, as Deputy Minister Lubomir Fogas has noted, Slovakia’s Constitution gives priority to Slovakia’s international human rights obligations. I hope, however, that Slovakia’s elected leaders will not wait for the court to act, since that can take a long time. Instead the initiative could be reconsidered and, with a few more Deputies voting to repeal defamation and libel from the criminal code, Slovakia would set an example for other countries to emulate.

IN SUPPORT OF MEGAN SMITH, 2002 WINTER OLYMPICS TORCH RUNNER FOR THE SIXTH CONGRESSIONAL DISTRICT

HON. NANCY L. JOHNSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize Megan Smith, an outstanding young citizen from my home town of New Britain, Connecticut. Megan is an excellent student, exceptional athlete and is highly esteemed by her peers for her positive attitude, considerate nature and high standards. For possessing these characteristics, Megan has been given the great honor of being selected as a 2002 Winter Olympics Torch Runner for my district.

Her accomplishments speak for themselves. Megan is ranked in the top five percent of her class, and deftly balances this commitment to her studies with an equally strong commitment to her athletics. She is a top player on her school’s volleyball and basketball teams, and has already been accepted to Quinnipiac University in Hamden, Connecticut, on a full basketball scholarship beginning next fall.

Despite her rigorous schedule, Megan devotes many hours to performing community service work. She divides her time between Gaffney School’s special education preschool program; St. Francis Middle School’s basketball activities; and at tryouts and practices for the Connecticut Starters 10 National Team. Because of Megan’s leadership, scholarship, character and service to her community, she was inducted into New Britain High School’s Chapter of the National Honor Society and also was designated the female recipient of the Wendy’s High School Heisman Scholar Athlete Award.

I cannot think of a better person to represent the Sixth Congressional District during the Olympic Torch run. Megan is an exemplary young woman with great and extraordinary talents that will bring her much success. I salute Megan Smith for her invaluable contributions to her school and to her community. Congratulations.

REPRESENTATIVE GEORGE MILLER PRESENTS WWII VETERAN NICK COMINOS WITH MEDAL OF HONOR

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I had the honor of joining the family and friends of WWII Veteran Nick Cominos in a ceremony to present several medals on Saturday, December 1, 2001, just days before the 66th anniversary of Pearl Harbor. These medals are a long-overdue recognition of his heroic efforts in the Dalmation Islands and Greece as part of a covert reconnaissance operation that led to the retreat of the Nazis from the area in 1944. Federal military decorations are awarded to members of the armed forces exhibiting valor and self-sacrifice, the heroic acts of Mr. Nick Cominos are worthy of such an honor.
Almost 58 years ago, on Christmas Eve, Nick Cominos and his Company boarded the liberty ship, _Pierre L’Enfant_, to join a large convoy to the Atlantic. Thirty-one days later, Cominos’ Company landed on the only one of the Dalmation Islands in Adriatic Sea not occupied by the Nazis, the Island of Solta. Within two days, Company C and their allies had captured the island. This was not without a cost. Company C lost one man and six others were wounded, including Nick Cominos.

After recuperating and returning to Vis, in August of 1944, Mr. Cominos and his Company C were deployed to Greece where they parachuted behind enemy lines and conducted covert reconnaissance missions to disrupt the German occupation of Greece. The Nazis retreated from Greece in November of 1944, at which time the Greek/American Operational Group was disbanded.

The type of covert ground operations first used by the Cominos and the men of Company C, 2671st Reconnaissance Battalion of the Office of Strategic Services are now being used to help fight the war against terrorism in Afghanistan.

Mr. Cominos and other World War II veterans have received numerous medals commemorating their service to this country during the war. However, because the records of the Office of Strategic Service were classified until 1988, the individual acts of bravery of Mr. Cominos and Company C have not been officially recognized.

Friday, December 7, 2001 is the 60th anniversary of the bombing of Pearl Harbor. Many have drawn parallels between the terrorists attacks of September 11th and Pearl Harbor.

We have a living parallel. A WWII veteran and his Company who pioneered the types of special covert operations which are helping to bring closure to the tragic events of September 11.

In a time of national emergency, when we are occupied in military operations on foreign soil in an international effort to defend freedom, it is important to praise those who have served our country so courageously in the past and whose actions make them role models for our troops in Afghanistan and in future military efforts.

It is my honor to publicly recognize Mr. Nick Cominos for his acts of courage, heroism, and sacrifice in WWII.

__PAYING TRIBUTE TO CADET PATRICK HUX__

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

_Thursday, December 6, 2001_

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity and pay tribute to a young man whose life was taken during his service to protect others. Cadet Patrick Hux, of the Air Force Academy in Colorado Springs, Colorado passed away on November 25, 2001. As our nation mourns his loss, our thoughts and prayers go out to his family and friends during this difficult period of time.

On a snowy night, Patrick and fellow cadets witnessed a driver in distress when the driver’s car, due to icy conditions, sped out of control and crashed into an embankment. Despite dangerous road conditions, the cadets stopped to provide the driver with assistance. This noble gesture cost Patrick his life. While assisting the driver, Patrick warned his fellow cadets of the impending danger. His honorable actions left him in harm’s way.

Patrick is not unlike the many members of our armed forces. He wanted to serve his country and he chose the Air Force as a way to help protect America. Many service people have lost their lives in the defense of the citizens of this nation, on and off the battlefield.

For Patrick, his battlefield that night was an icy, snow-covered road.

Mr. Speaker, during this time of national tragedy, Patrick symbolizes what our men and women in the armed services stand for. They fight for our protection, for our way of life, and our freedom. Patrick looked out for his fellow citizens that terrible night, and his actions saved the life of a citizen. I would like to express my condolences to Patrick’s family, the Air Force Academy, his fellow cadets, and friends. He touched the lives of many and he will be greatly missed.

__CONGRATULATING LA OPINIÓN NEWSPAPER__

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

_Thursday, December 6, 2001_

Ms. SOLIS. Mr. Speaker, I rise today to congratulate one of the most influential Spanish Language newspapers in the United States on its 75th anniversary. Founded on September 16, 1926, La Opinión has played an important role in the development of the Hispanic community by reporting on issues relevant to the many Hispanic subgroups in the United States.

La Opinión’s journalistic contributions to the Hispanic community are many. Sixty percent of my constituents are Hispanic, they range from newcomers to fifth generation immigrants. As the leading Spanish language newspaper, my constituents depend on La Opinión for various types of information, including news from their home countries, national events and learning about America’s way of life. La Opinión provides useful information for everyday life, creates awareness of local, national and international issues, and promotes political consciousness.

La Opinión has established itself as a leader in the information world. It has demonstrated its true commitment to inform and educate the community objectively. However, its success rests most importantly in the ability to present material in a human way and making every story applicable to the reader’s life.

Once again, I congratulate and commend the staff of La Opinión for their commitment to inform the Latino community in the 31st Districl of California for the last 75 years.

__PAYING TRIBUTE TO TONY BOBICKI__

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

_Thursday, December 6, 2001_

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Tony Bobicki of Alamosa, Colorado. Tony has recently been selected to carry the Olympic torch for the 2002 Winter Games. As a representative of the City of Alamosa, Tony will be among 11,500 Americans selected to carry the torch across the United States.

This is a great honor for many individuals in the country, but more so for Tony. Tony was selected for overcoming a condition that threatened to take away his ability to walk. Diagnosed with hip socket deterioration at the age of six, Tony was told the chance to walk...
A DRUM ROLL FOR SAGINAW HIGH’S MARCHING BAND

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to sound the trumpets for the 107-member Saginaw High School Trojans Marching Band for consistently playing their way to victory in various musical competitions and also to praise Band Director Jeannine Coughlin for her persistence and determination in returning the Marching Trojans to a place of prominence among high school bands in mid-Michigan and across the nation.

When Jeannine Coughlin first picked up the director’s baton in 1993 to lead the Marching Trojans, band membership was down to a low of thirty musicians and it was a struggle to recruit students to participate. Jeannine expeditiously remedied the situation by persuading young people that learning to play an instrument is within their capabilities if they were willing to put in the effort and practice. Her confidence and enthusiasm quickly spread throughout the school and a top notch marching band was reborn.

Moreover, the band’s success has amplified, reaching well beyond the confines of its practice room and its performance venues. In their new black and gold uniforms, band members proudly display a sense of school pride and unity that goes a long way in instilling an admirable self-image and strong sense of self-respect for the entire student body.

I have had the privilege and pleasure of listening to the band and watching their well-choreographed dance routines as we marched together in a parade. I can personally attest to their superior musical skills, lively cadence and unbridled spirit. Their talent also has been responsibly remedied the situation by persuading young people that learning to play an instrument is within their capabilities if they were willing to put in the effort and practice. Her confidence and enthusiasm quickly spread throughout the school and a top notch marching band was reborn.

Moreover, the band’s success has amplified, reaching well beyond the confines of its practice room and its performance venues. In their new black and gold uniforms, band members proudly display a sense of school pride and unity that goes a long way in instilling an admirable self-image and strong sense of self-respect for the entire student body.

I have had the privilege and pleasure of listening to the band and watching their well-choreographed dance routines as we marched together in a parade. I can personally attest to their superior musical skills, lively cadence and unbridled spirit. Their talent also has been widely recognized wherever they perform, including a first-place finish last May in the parade competition at the Showcase Music Festival in Atlanta, Georgia. The squad beat out 22 other high school bands from across the country for the grand prize trophy and $200. The band also scored another first-place victory in the 2001 Mackinaw City Memorial Day Parade.

Finally, Mr. Speaker, I ask my colleagues to join me in applauding the Saginaw High School Marching Trojans and Band Director Jeannine Coughlin for energizing the musical talents of our youth, persevering in performing unparalleled rhythmic interludes at sporting events, parades and many functions throughout the year. Their dynamic and mellifluous performances will linger in the memories of listeners long after the show is over.

OVER-THE-ROAD BUS SECURITY AND SAFETY ACT OF 2001

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 6, 2001

Mr. OBERSTAR. Mr. Speaker, I join my Transportation and Infrastructure colleagues in introducing the Over-the-Road Bus Security and Safety Act of 2001. Since the September 11, 2001 terrorist attacks, over-the-road bus drivers and passengers in the United States have been the targets of many serious assaults over a period of seven passengers and another assault injuring 33 passengers. In addition, there have been at least three other serious over-the-road bus security breaches. Recent terrorist acts on Israeli buses and in bus stations further heighten the need for stronger bus security measures in the United States.

The intercity bus industry serves more than 4,000 destinations in the United States, and making intercity bus facilities secure is indeed a formidable task. Federal financial support is needed for passenger and baggage screening in terminals; implementation of a ticket identification system; emergency communications systems linked to police and emergency personnel; enhanced driver compartment security; increased security training; development and maintenance of information and communication systems with law enforcement, installing cameras and video surveillance equipment; and other measures to make buses, terminals, and garages more secure. The Over-the-Road Bus Security and Safety Act of 2001 authorizes the funding and requires the planning necessary to make these critical bus security improvements.

The legislation authorizes $200 million in fiscal year 2002 to allow the Secretary of Transportation to make grants to private bus operators for system-wide security improvements to their operations. The bill imposes a 25-cent passenger surcharge in fiscal years 2002, 2003, and 2004 on tickets over $5. The proceeds of the fee will be used by the Secretary for security grants in 2003 and future years.

Over-the-road buses, which transport approximately 774 million passengers annually, are the only viable means of transportation for many people throughout the country. They serve thousands of communities that have no other form of intercity public transportation and provide the only affordable means of transportation for millions in urban areas. Just as passenger safety is vital to encouraging passengers to fly, again, intercity bus security legislation is needed to restore confidence in our intercity bus system.

The bill is not a handout. Since September 11, the intercity bus industry has spent millions on enhanced security measures. The funds provided by the bill will supplement measures already undertaken by the industry to increase the safety of the bus system and restore public confidence in traveling by bus. I urge my colleagues that all of whom have communities in their districts served by intercity buses, to support this legislation.

Although I am proud to be an original co-sponsor of this bill, I strongly encourage the Committee on Transportation and Infrastructure to take the next step and develop a comprehensive infrastructure security package. Recently, Congress enacted the Aviation and Transportation Security Act, the most important aviation security legislation of the last three decades. Although the Act creates a Transportation Security Administration (TSA) for all transportation security functions, we have much work left to do. We have enormous security needs among all of our modes of transportation—from passenger and freight railroads, transit systems, and pipelines, to bridges, ports, and tunnels and infrastructure facilities, including public buildings, locks and dams, and wastewater and drinking water facilities.

For instance, I am very concerned about securing our railroads, which carry more passengers and cargo than any other system in the country. For example, even before the terrorist attacks, Amtrak carried more passengers between New York City and Washington, D.C. than either of the air shuttles. In cities and their surrounding areas throughout the nation, millions rely on commuter trains to get to work each day. New York’s Penn Station handles nearly 400,000 Amtrak, rail commuter, and rail transit passengers every day. Yet the infrastructure—the bridges, tunnels, track, stations, yards, and other facilities—that supports all of these movements is not secure from sabotage or other terrorist acts.

At the same time, the Nation’s freight railroads carry tremendous volumes of hazardous materials—more than one million tons daily of hazardous chemicals, 15 percent of the nation’s total. In addition, the railroads are major transporters of coal, agricultural commodities, the products of mines and quarries, and manufactured goods, especially automobiles. If the railroads were shut down due to a terrorist action, the national economy would quickly grind to a halt.

A relatively small number of key bridges and rail transportation nodes are vital to the smooth and continuous flow of traffic. Likewise, a number of major tunnels handle significant volumes of freight and passenger traffic. A terrorist attack on any one of these facilities could have devastating consequences in terms of lives lost or economic disruption. However, one of the outgrowths of the September 11 tragedies has been a thorough and ongoing assessment of our transportation infrastructure vulnerabilities. We have begun to determine what will be needed to ensure the safety and security of those who ride the nation’s railroads and what must be done to ensure the smooth and continuous flow of rail traffic.

Some of these estimates are preliminary, but they do provide a good initial reading of the needs.
On the passenger side, Amtrak estimates that infrastructure protection will require $417.1 million, ensuring equipment security will cost $37.4 million, and providing the necessary manpower will cost $60.6 million. Amtrak will nearly double the number of track inspectors so that they can pay closer attention to ensuring the security of the rights-of-way. In addition, Amtrak requires $1 billion to make necessary life safety improvements in the tunnels feeding New York’s Penn station and to rehabilitate tunnels in Washington, D.C. and Baltimore. An additional $254 million is needed to increase the accessibility of Penn Station for safety and emergency responders, to renovate critical bridges in Connecticut, and provide for enhanced radio communications in high-speed territory.

On the freight side, the costs of rerouting, increased switching, and express movement of hazardous materials along with increased manpower costs guarding and securing critical nodes, increasing car inspections, and providing employee awareness training has been estimated to be about $100 million annually. Developing a new railroad operations center to provide continuous links to Federal intelligence agencies and upgrading the security at nearly 100 data and computer centers will require $200 million in capital costs. Hardening the bridges, tunnels, fuel facilities, hump yards, and other infrastructure assets that have been identified as being critical to the national defense will require $750 million in up front capital costs.

In addition, we face enormous port security needs. Earlier today, the Subcommittee on Coast Guard and Maritime Transportation had a hearing on port security at which the Department of Transportation Secretary Norm Mineta testified that approximately 95 percent of the tonnage of our Nation’s international trade moves by water. Six million loaded containers, 156 million tons of hazardous materials, and nearly one billion tons of petroleum products enter our ports each year. During a major military deployment, 90 percent of our military materials move through our Nation’s seaports. We need to better protect port facilities and critical bridges by developing a comprehensive security plan, improving security coordination and planning, deploying sea marshals, and establishing new penalties for criminal acts against vessels and maritime facilities.

I am hopeful that we can work together, on a bipartisan basis, to develop a comprehensive infrastructure security bill that includes this over-the-road bus bill and security for all of our critical infrastructure.
Lola was a wonderful, hard-working woman with a truly individual spirit. My fellow colleagues, please join me in honoring Mrs. Lola Revis. She will be greatly missed.

[From the Washington Post, Dec. 6, 2001]

**SHERRILL’S RESTAURANT OWNER LOLA REVIS DIES**

*By Adam Bernstein*

Lola M. Revis, 97, who co-owned Sherrill’s Bakery and Restaurant on Capitol Hill and was a key personality in an Academy Award-nominated documentary about the legendary eatery that brought it national attention, died Dec. 5. The Sunrise assisted living facility in Fairfax County. She had dementia and a lung ailment.

Sherrill’s, which opened in 1922 and closed in 1968, was a relished neighborhood institution that brought together an enormously diverse clientele. Diners at 233 Pennsylvania Ave. SE might be politicians, congressional staffers, employees of the nearby Library of Congress, construction workers or mothers with their children.

Sunday was a notoriously hard day to get a seat, when the place was brimming with young professionals taking their time devouring the newspaper as well as their bacon and eggs.

Prices were low, and two could eat a huge and hearty breakfast for less than $10.

Known for such comfort foods as creamed beef, egg-white frittatas, fried fish sticks and T-bone steaks, Sherrill’s never garnered rave reviews for its nute-and-bolts cooking.

The exceptions were mainly on the dessert side. Its eclairs were “excellent,” according to one Washington Post food writer. Others considered the gingerbread cookies sublime.

Part of Sherrill’s allure was the legendarily abrupt waitstaff. At least one waitress was known to tell a patron to “sit down and shut up” or to eat his dinner before it got cold.

Over the years, some visitors interpreted such brusqueness favorably. There were those who even welcomed it as a sign of humanity compared with the robotic, humorless approach in more fleet or fancy chains.

The end of Sherrill’s became the subject of much mourning in the era of the low-fat fatigue, including a front-page Post article and television coverage.

The family sold Sherrill’s to a developer, and a Ritza Camera now occupies the space. A Starbucks is on the same block.

Mrs. Revis once said of the business; “If I stay at home, I have to think too much. I’d rather get out and meet the public. It keeps me young.”

She moved from Silver Spring to Sunrise in 1996.

She was a member of St. Sophia Greek Orthodox Catholic Church.

Besides her daughters, survivors include five grandchildren; 10 great-grandchildren; and two great-great-grandchildren.

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**A PROCLAMATION RECOGNIZING JASON PAUL HUBER**

**HON. ROBERT W. NEY**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

*Thursday, December 6, 2001*

Mr. NEY. Mr. Speaker, Whereas, Jason Paul Huber has devoted himself to serving others through his membership in the Boy Scouts of America; and,

Whereas, Jason Huber has shared his time and talent with the community in which he resides; and,

Whereas, Jason Huber has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and,

Whereas, Jason Huber has kindly built a deck and set of stairs for Jefferson Lake State Park; and,

Whereas, Jason Huber must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award; and,

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Jason Paul Huber for his Eagle Scout Award.
The fact that George Bush has no intention of misusing such institutions is irrelevant. You don’t have to be a bad guy to abuse police power. Robert Kennedy, a darling of liberals, brushed aside civil liberties concerns when he went after organized crime and trampled on the rights of Jimmy Hoffa in his failed attempt to convict the Teamsters boss of something. He bugged and trailed Martin Luther King Jr., even collecting information on the civil rights leader’s private love life, until Lyndon Johnson put a stop to it.

Bureaucratic momentum alone can cross over the line. After President John F. Kennedy privately berated the Army for being unprepared to quell the riots when James Meredith enrolled at the University of Mississippi, we (I was Army general counsel at the time) responded by collecting intelligence information on individuals such as civil rights leaders, as well as local government officials in places where we thought there might be future trouble. We were motivated not by any mischievous desire to violate privacy or liberties of Americans but by the bureaucratic reflex not to be caught short again.

In the paranoia of Watergate, the CIA followed a Washington Post report for weeks, even photographing him through the picture window of his home, because he had infuriated the president and the agency with a story containing classified information. Faced with our discovery (I was The Post’s lawyer at the time), CIA Director William Colby readily admitted that “someone had gone too far.”

All 100 members of the Senate voted to create the newest federal police force under the rubric of airport security. In its rush to judgment, the Senate acted as though a federal force was the only alternative to using the airlines or private contractors. Quite the contrary, policing by the individual public airport authorities, guided by federal standards, would be more in line with our tradition of keeping police power local.

It’s time for the executive and Congress to take a hard look at the police personnel amassing at the federal level and the extent to which we are concentrating them under any one individual short of the president. Congress should turn its most skeptical laser on the concept of an Office of Homeland Security and on any requests to institutionalize its director beyond the status of a special assistant to the president. We have survived for more than 200 years without a ministry of the interior or national police force, and we can effectively battle terrorism without creating one now.
HIGHLIGHTS

Senate passed Department of Defense Appropriations Act.
Senate agreed to District of Columbia Appropriations Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S12581–S12753

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1783–1790, S. Res. 188, and S. Con. Res. 89.

Measures Reported:
H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. (S. Rept. No. 107–111)
S. 1621, 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. (S. Rept. No. 107–114)
S. 1623, 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. (S. Rept. No. 107–115)
S. 1624, 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, with an amendment in the nature of a substitute. (S. Rept. No. 107–116)

Report to accompany S. 1731, 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. (S. Rept. No. 107–117)

S. Con. Res. 80, expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act.

Measures Passed:

Department of Defense Appropriations: Senate passed H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto:

Adopted:
Reid (for Wellstone) Amendment No. 2325, to treat certain National Guard duty as military service under the Soldiers’ and Sailors’ Civil Relief Act of 1940.
By 78 yeas to 21 nays (Vote No. 359), Helms 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.
Stevens (for Gramm/McCain) Amendment No. 2352, to provide the President the authority to increase national security and save lives.
Bond/Carnahan Amendment No. 2353, to express the Sense of Congress that the military aircraft industrial base of the United States be preserved.
Bond Amendment No. 2354, to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers.
Bond Amendment No. 2355, to provide funding for necessary expenses of the HUBZone program authorized under the Small Business Act.
Torricelli Amendment No. 2356, to require a production grant of $2,000,000 to Green Tree Chemical
Technologies in order to sustain the company through fiscal year 2002.  

Byrd/Stevens/Inouye Amendment No. 2348, in the nature of a substitute.

Stevens (for Nickles) Amendment No. 2357, to make available from research, development, test and evaluation, Air Force, up to $4,000,000 to extend the modeling and reengineering program now being performed at the Oklahoma City Air Logistics Center Propulsion Directorate.

Stevens (for Lott) Amendment No. 2358, to increase by $7,500,000 the amount available for Armed Forces Retirement.

Stevens (for Kennedy Amendment No. 2359, 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.

Inouye (for Reid) Amendment No. 2360, 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.

Inouye (for Reid) Amendment No. 2361, to make available from research, development, test, and evaluation, Army, $3,000,000 for Medical Development (PE04771N) for the Clark County, Nevada, bioterrorism and public health laboratory.

Inouye (for Reid) Amendment No. 2362, 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.

Stevens (for Warner) Amendment No. 2363, to set aside funds for the critical infrastructure protection initiative of the Navy.

Inouye (for Lincoln) Amendment No. 2364, to make available from research, development, test and evaluation, Air Force, $2,000,000 for Battlespace Logistics Readiness and Sustainment project in Fayetteville, Arkansas.

Inouye Amendment No. 2365, to provide funds for the Counter Narcotics and Terrorism Operational Medical Support Program.

Stevens (for McConnell) Amendment No. 2366, to require an assessment of various alternatives to the current Army plan for the destruction of chemical weapons.

Inouye (for Kerry) Amendment No. 2367, to make available $12,500,000 from research, development, test, and evaluation, Defense-wide, for operational nuclear test monitoring requirements of the Air Force.

Inouye (for Kerry/Kennedy) Amendment No. 2368, to make available $14,200,000 for procurement for the Air Force for procurement of Sensor Fused Weapons (CBU–97).

Inouye (for Feinstein) Amendment No. 2369, to make available from other procurement, Navy, $8,000,000 for procurement of the Tactical Support Center, Mobile Acoustic Analysis System.

Inouye (for Kennedy) Amendment No. 2370, to set aside funds for continuation of the Air National Guard Information Analysis Network (GUARDIAN).

Inouye (for Kennedy) Amendment No. 2371, to set aside a specified amount of operation and maintenance, Defense-wide funds for the DLAMP program.

Stevens (for Helms/Edwards) Amendment No. 2372, to provide funding for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

Stevens (for Helms) Amendment No. 2373, to expand the number of U.S. Navy combat aircrews who can benefit from Airborne Tactical Adversary Electronic Warfare/Electronic Attack training.

Stevens (for Helms) Amendment No. 2374, to expand the number of U.S. Air Force combat aircrews who can benefit from Airborne Tactical Adversary Electronic Warfare/Electronic Attack training.

Inouye Amendment No. 2375, to express the sense of the Senate regarding environmental contamination and health effects emanating from the former United States military facilities in the Philippines.

Stevens (for Warner) Amendment No. 2376, 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.

Stevens (for Burns) Amendment No. 2377, to provide for the retention of certain contracting authorities by the Department of Interior’s National Business Center.

Stevens Amendment No. 2378, to set aside funds for the Product Improved Combat Vehicle Crewman’s Headset.

Stevens (for McConnell) Amendment No. 2379, 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.
Stevens (for Gregg) Amendment No. 2380, 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. Pages S12657–59

Stevens (for Shelby) Amendment No. 2381, to set aside Army RDT&E funding for certain programs. Pages S12657–59

Inouye (for Biden) Amendment No. 2382, to make available from research, development, test, and evaluation, Army, $5,000,000 to develop high-performance 8mm and 120mm mortar systems that use metal matrix composites to substantially reduce the weight of such systems. Pages S12657–59

Stevens (for Specter) Amendment No. 2383, to set aside Air Force RDT&E funds for human effectiveness applied research (PE602202F) for continuing development under the solid electrolyte oxygen separation program of the Air Force. Pages S12657–59

Stevens (for Grassley) Amendment No. 2384, 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 Department of Defense disbursement in excess of $500,000 to a particular obligation before the disbursement is made. Pages S12657–59

Stevens (for Voinovich) Amendment No. 2385, to set aside Army RDT&E funds for the Three-Dimensional Ultrasound Imaging Initiative II. Pages S12657–59

Inouye (for Kerry) Amendment No. 2386, 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. Pages S12659

Inouye (for Feinstein) Amendment No. 2387, to make available from other procurement, Army, $10,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection. Pages S12659

Inouye (for Feinstein) Amendment No. 2388, to make available from research, development, test, and evaluation, Navy, $20,000,000 for the Broad Area Maritime Surveillance program. Pages S12659

Stevens (for Lugar) Amendment No. 2389, to increase by $46,000,000 the amount available for former Soviet Union threat reduction and to provide an offset. Pages S12659

Stevens (for Lott) Amendment No. 2390, to provide funding for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950. Pages S12659

Stevens (for Lott) Amendment No. 2391, to increase by $2,000,000 the amount available for Military Personnel Research (PE61103D). Pages S12659

Stevens (for Lott) Amendment No. 2392, to express the support of the Senate for the Air Force’s long-range beddown plan for the C–130J fleet. Pages S12659

Stevens (for Helms/Edwards) Amendment No. 2393, to provide funding for the U.S. Army Materiel Command’s Logistics and Technology Project (LOGTECH). Pages S12659

Stevens (for Lott) Amendment No. 2394, 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). Pages S12659

Stevens (for Collins) Amendment No. 2395, to set aside $5,000,000 of Procurement, Defense-Wide for low-rate initial production of the Striker advanced lightweight grenade launcher (ALGL) (PE1160444BB), and $1,000,000 of RDT&E, Navy funds for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker ALGL (PE0603640M). Pages S12659

Stevens (for Collins) Amendment No. 2396, to set aside $4,000,000 of RDT&E, Defense-Wide funds for the Intelligence Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency (PE0305102BQ). Pages S12659–60

Inouye (for Collins) Amendment No. 2397, 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 (PE0602384BP). Pages S12659–60

Inouye (for Landrieu) Amendment No. 2398, to authorize the availability of $2,500,000 for the Army Nutrition Project. Pages S12659–60

Inouye (for Landrieu) Amendment No. 2399, to authorize the availability of an additional $2,000,000 for the Partnership for Peace (PFP) Information Management System. Pages S12659–60

Stevens (for Thompson) Amendment No. 2400, to make available $4,892,000 for the Communicator Automated Emergency Notification System of the Army National Guard. Pages S12659–60

Inouye (for Dorgan) Amendment No. 2401, to provide funds for a miniaturized wireless system. Pages S12659–60

Inouye (for Harkin) Amendment 2402, to make available $5,000,000 for the Consolidated Interactive Virtual Information Center of the National Guard. Pages S12659–60

Inouye (for Reed) Amendment No. 2403, to make available $1,200,000 for concept development and composite construction of high speed vessels currently implemented by the Navy Warfare Development Command. Pages S12659–60
Inouye (for Reed) Amendment No. 2404, to set aside operation and maintenance, Defense-Wide funds for impact aid for children with severe disabilities.

Inouye (for Biden) Amendment No. 2405, to make funds available to enhance the worker safety demonstration programs of the military departments.

Inouye (for Carnahan) Amendment No. 2406, 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.

Inouye (for Nelson (FL)) Amendment No. 2407, to make available $7,000,000 for the Center for Advanced Power System.

Stevens (for DeWine) Amendment No. 2408, 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.

Inouye (for Cleland/Dayton) Amendment No. 2409, to make available $7,000,000 for Army live fire ranges.

Inouye (for Cleland) Amendment No. 2410, to make available $3,900,000 for the aging aircraft program of the Air Force.

Stevens (for Snowe) Amendment No. 2411, 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).


Inouye (for Cleland) Amendment No. 2413, to make available $1,600,000 for the Navy for Engineering Control and Surveillance Systems.

Stevens (for Bunning) Amendment No. 2414, to provide $5,000,000 for a program at the Naval Medical Research Center (NRMC) to treat victims of radiation exposure (PE0604771N).

Inouye (for Landrieu) Amendment No. 2415, to make available $10,000,000 for the Gulf States Initiative.

Stevens (for Collins) Amendment No. 2416, 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 (PE0603123N).

Inouye (for Dodd) Amendment No. 2417, to require a report on progress toward implementation of comprehensive nuclear threat reduction programs to safeguard Pakistani and Indian missile nuclear stockpiles and technology.

Inouye (for Dodd) Amendment No. 2418, to make available $5,000,000 for the Marine Corps for M-4 Carbine, Modular Weapon Systems.

Inouye (for Dodd) Amendment No. 2419, to make available $7,500,000 for the Army for AN/AVR–2A laser detecting sets.

Inouye (for Dodd) Amendment No. 2420, 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.

Inouye (for Dodd) Amendment No. 2421, to make available $8,960,000 for the Navy for four Hushkit noise inhibitors for C–9 aircraft.

Inouye (for Sarbanes) Amendment No. 2422, 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.

Inouye (for Torricelli) Amendment No. 2423, 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.

Inouye (for Torricelli) Amendment No. 2424, to make available $9,800,000 for the Navy for Advanced Digital Recorders and Digital Recorder Producers for P–3 aircraft.

Inouye (for Bingaman) Amendment No. 2425, to make funds available for Big Crow (PE605118D).

Stevens (for Cochran) Amendment No. 2426, to provide for the acquisition, installation, and maintenance of domed housing units on the Marshall Islands.

Stevens (for Shelby) Amendment No. 2427, to set aside for medical technology, National Tissue Engineering Center $4,000,000 of the amount provided for Army, research, development, test and evaluation.

Stevens (for Santorum) Amendment No. 2428, to set aside for artillery projectiles, M107, HE, 155mm, $5,000,000 of the amount provided for Army, Ammunition Procurement.

Stevens (for Santorum) Amendment No. 2429, to set aside for Agile Combat Support, Integrated Medical Information Technology System (PE604617) $1,000,000 of the amount for Air Force, research, development, test, and evaluation.
Stevens (for Santorum) Amendment No. 2430, to set aside for Air Crew Systems Development, Modular Helmet Development (PE604264N) $3,000,000 of the amount for the Navy for research, development, test and evaluation.

Stevens (for Santorum) Amendment No. 2431, to set aside for land forces readiness-information operations sustainment (PE19640) $5,000,000 of the amount provided for the Army Reserve for operations and maintenance.

Inouye (for Kennedy) Amendment No. 2432, to set aside $10,000,000 of other procurement, Navy funds for the NULKA decoy procurement.

Inouye (for Harkin) Amendment No. 2433, to facilitate the protection of the health of current and former workers at Iowa Army Ammunition Plant.

Stevens (for Shelby) Amendment No. 2434, to add funding for Air Force RDT&E for Low Cost Launch Vehicle Technology.

Stevens (for Bunning) Amendment No. 2435, to require a Comptroller General study of the physical state of Initial Entry Trainee housing and barracks of the Armed Service.

Stevens (for Hutchinson) Amendment No. 2436, to provide funds for a pilot program for the development of an efficient inventory management system for the Department of Defense.

Stevens (for McCain) Amendment No. 2437, to provide funds to carry out authorized military construction projects funds for which are diverted to military construction projects for the national emergency.

Inouye (for Stabenow) Amendment No. 2438, to make available $2,000,000 for the Advanced Safety Tether Operation and Reliability/Space Transfer using Electrodynamic Propulsion (STEP–AIRSEDS) program (PE0602236N).

Inouye (for Stabenow) Amendment No. 2439, 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.

Stevens Amendment No. 2440, to make available additional funds for the cost of guaranteeing the reduction loan authorized.

Stevens (for Gregg) Amendment No. 2441, to make certain technical corrections.

Inouye (for Durbin) Amendment No. 2442, to make certain technical corrections.

Stevens (for Specter) Amendment No. 2443, to expedite the deployment of the intelligent transportation infrastructure system.

Inouye (for Landrieu) Amendment No. 2444, to provide that funds available to improve nuclear non-proliferation and verification research and development shall be available to research and development with respect to radiological dispersion devices.

Inouye (for Murray) Amendment No. 2445, to make certain technical corrections.

Stevens (for Domenici) Amendment No. 2446, technical modification of authority to improve safety of transportation routes to the Waste Isolation Pilot Plant.


Stevens (for Domenici) Amendment No. 2448, to make available, with an offset, an additional $14,000,000 for the electric energy systems and storage program of the Department of Energy.

Inouye (for Harkin) Amendment No. 2449, to assure minimum service levels under the Essential Air Service Program.

Stevens Amendment No. 2450, to require certain compliance for use of funds after June 30, 2002 for the operation of any federally owned buildings.

Stevens Amendment No. 2451, to set new criteria and rates for delivery of services under Section 5402 of Title 39.

Stevens (for Bond) Amendment No. 2452, to direct the Secretary of the Smithsonian Institution to collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks of the World Trade Center and the Pentagon.

Inouye (for Daschle) Amendment No. 2453, to increase the number of general trustees of the John F. Kennedy Center of the Performing Arts and to designate the Secretary of State as a trustee.

Stevens Amendment No. 2454, making certain changes to the terms of office of New General Trustees of the John F. Kennedy Center of the Performing Arts.

Stevens Amendment No. 2455, to allow for expenditures of previously appropriated housing funds.


Stevens Amendment No. 2457, to clarify Federal procurement law for certain qualified entities.
Inouye (for Biden) Amendment No. 2458, to provide that 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.

Pages S12663–66

Daschle Amendment No. 2459, 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.

Pages S12663–66

Rejected:

By 48 yeas to 51 nays (Vote No. 358), Reid (for Dodd) Modified Amendment No. 2337, with respect to the protection of United States interests and the interest of American citizens and service members as it relates to the establishment of an International Criminal Court.

Pages S12612–28

Withdrawn:

Durbin Amendment No. 2343, to expand aviation capacity in the Chicago area.

Pages S12628–46

During consideration of this measure, Senate also took the following action:

By 50 yeas to 50 nays (Vote No. 357), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to the committee amendment in the nature of a substitute. Subsequently, a point of order that the committee substitute exceeds the allocation of the Subcommittee pursuant to section 302(f) of the Congressional Budget Act of 1974 was sustained, and the committee substitute thus fell.

Pages S12586–94

By 33 yeas to 65 nays (Vote No. 360), Senate rejected the question of germaneness with respect to Feingold Amendment No. 2349, to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2002. Subsequently, the point of order that the amendment was not germane was sustained, and the amendment thus fell.

Pages S12648–50

Section 8132 on page 117 of Byrd/Stevens/Inouye Amendment No. 2348 (listed above) was stricken. Subsequently, the pending point of order that the section was in violation of Rule XVI of the Standing Rules of the Senate, was withdrawn.

Page S12650

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Fein-stein, Kohl, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, and Hutchison.

Page S12676

Printing Authorization: Committee on Rules and Administration was discharged from further consid-eration of H. Con. Res. 90, authorizing the printing of a revised and updated version of the House document entitled “Hispanic Americans in Congress”, and the resolution was then agreed to.

Pages S12745

Printing Authorization: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 244, authorizing the printing of a revised edition of the publication entitled “Our Flag”, and the resolution was then agreed to.

Page S12745

Connecticut River Atlantic Salmon Commission: Senate passed 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, after agreeing to the following amendment proposed thereto:

Reid (for Stevens) Amendment No. 2461, to amend the method for financing the fishing capacity reduction program required under the Miscellaneous Appropriations Act, 2001.

Page S12745

Detroit River International Wildlife Refuge Establishment: Committee on Environment and Public Works was discharged from further consideration of H.R. 1230, to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and the bill was then passed, clearing the measure for the President.

Page S12745

Temporary Aid for Needy Families Supple-mental: Senate passed S. 942, to reauthorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002, after agreeing to the committee amendment in the nature of a substitute.

Pages S12745–46

21st Century Montgomery GI Bill Enhance-ment: Committee on Veterans’ Affairs was discharged from further consideration of H.R. 1291, 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, and to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1088, Senate companion measure, after agreeing to a committee amendment in the nature of a substitute, and the following amendments proposed thereto:

Pages S12746–52

Reid (for Rockefeller/Specter Amendment No. 2462 (to S. 1088), in the nature of a substitute.

Pages S12750–52
Reid (for Rockefeller/Specter) Amendment No. 2463 (to the title of H.R. 1291), to amend the title. Page S12752

Subsequently, S. 1088 was returned to the Senate calendar.

District of Columbia Appropriations Conference Report: By 79 yeas to 20 nays (Vote No. 356), Senate agreed to the conference report on 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, at 9:30 a.m., on Friday, December 7, 2001, clearing the measure for the President. Pages S12582–83

Small Business Investment Company Amendments Act: Senate concurred in the amendment of the House to S. 1196, to amend the Small Business Investment Act of 1958, with a further amendment proposed thereto, as follows: Reid (for Kerry/Bond) Amendment No. 2460 (to the amendment of the House to the bill), to improve the bill. Pages S12742

Nominations—Agreement: A unanimous-consent agreement was reached providing for the consideration of the nominations of John D. Bates, of Maryland, to be United States District Judge for the District of Columbia, Kurt D. Engelhardt, to be United States District Judge for the Eastern District of Louisiana, and Julie A. Robinson, to be United States District Judge for the District of Kansas, at 9:30 a.m., on Tuesday, December 11, 2001. Page S12753

Federal Farm Bill—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 1731, 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, at 3 p.m., on Monday, December 10, 2001. Page S12753

Nominations Confirmed: Senate confirmed the following nominations:

Tammy Dee McCutchen, of Illinois, to be Administrator of the Wage and Hour Division, Department of Labor. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Peter B. Teets, of Maryland, to be Under Secretary of the Air Force.

2 Air Force nominations in the rank of general.
29 Army nominations in the rank of general.
5 Navy nominations in the rank of admiral.
Routine list in the Public Health Service. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Routine lists in the Army and Navy. Pages S12681, S12739–40, S12753

Measures Read First Time: Page S12681
Additional Cosponsors: Pages S12682–83
Statements on Introduced Bills/Resolutions: Pages S12683–87
Additional Statements: Pages S12679–S12739
Authority for Committees to Meet: Page S12739
Privilege of the Floor: Page S12739

Record Votes: Five record votes were taken today. (Total—360) Pages S12583, S12594, S12628, S12650

Adjournment: Senate met at 9:30 a.m. on Friday, December 7, and adjourned at 12:29 a.m. on Saturday, December 8, until 3 p.m., on Monday, December 10, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S12753.)

Committee Meetings
(Committees not listed did not meet)

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Sean O’Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration, after the nominee, who was introduced by Representative Boehlert, testified and answered questions in his own behalf.
House of Representatives

Chamber Action
The House was not in session today. The House will next meet at 2 p.m. on Monday, Dec. 10, in pro forma session.

Committee Meetings
DISTRICT OF COLUMBIA SCHOOL REFORM ACT
Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on the District of Columbia School Reform Act of 1995—Blue Print for Education Reform in the District of Columbia. Testimony was heard from the following officials of the District of Columbia: Kevin Chavous, member, City Council and Chairman, Committee on Education, Libraries and Recreation; Peggy Cooper Cafritz, President, Board of Education; Paul Vance, Superintendent of Schools; Josephine Baker, Chairwoman, Public Charter Board; Gregory McCarthy, Deputy Chief of Staff, Policy and Legislative Affairs, Office of the Mayor; Natwar Gandhi, Chief, Financial Officer; and Charles C. Maddox, Inspector General.

CHECKED BAGGAGE SCREENING SYSTEMS
Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Checked Baggage Screening Systems-Planning for the December 31, 2002 Deadline. Testimony was heard from Steven Zaidman, Associate Administrator, Research and Acquisitions, FAA, Department of Transportation; and public witnesses.

Joint Meetings
EMPLOYMENT-UNEMPLOYMENT
Joint Economic Committee: Committee concluded hearings to examine the employment-unemployment situation for November, focusing on payroll employment figures, after receiving testimony from Lois Orr, Acting Commissioner, Bureau of Labor Statistics, Department of Labor.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST of Thursday, November 29, 2001, p. D1183)
Committee on Governmental Affairs: December 11, to hold hearings to examine the local role in homeland security, 9:30 a.m., SD–342.

December 13, Full Committee, to hold hearings to examine security of the passenger and transit rail infrastructure, 9:30 a.m., SD–342.

Select Committee on Intelligence: December 12, closed business meeting to consider pending calendar business, 2:30 p.m., S–407, Capitol.

Committee on the Judiciary: December 10, to hold hearings on the nomination of David L. Bunning, to be United States District Judge for the Eastern District of Kentucky, 10 a.m., SD–226.

December 11, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the future of the Microsoft settlement, 10 a.m., SD–106.

December 13, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Appropriations, December 11, Subcommittee on Commerce, Justice, State and Judiciary, on OxyContin, 10 a.m., 2359 Rayburn.

Committee on Energy and Commerce, December 11, Subcommittee on Telecommunications and the Internet, hearing on the settlement between the U.S. Government and Nextwave, Inc., to resolve disputed spectrum licenses, 3 p.m., 2123 Rayburn.

December 12 and 13, Subcommittee on Energy and Air Quality, hearings on H.R. 3406, Electric Supply and Transmission Act of 2001, 1 p.m., on December 12 and 9:30 a.m., on December 13, 2123 Rayburn.


Committee on Government Reform, December 12, hearing on “The National Vaccine Injury Compensation Program: Is It Working as Congress Intended?—Part II,” 1 p.m., 2154 Rayburn.

December 13, hearing on “The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?” 10 a.m., 2154 Rayburn.

Committee on International Relations, December 11, to mark up H.J. Res. 75, regarding the monitoring of weapons development in Iraq, as required by United Nations Security Council Resolution 687 (April 3, 1991), 4 p.m., 2172 Rayburn.

December 12, Subcommittee on East Asia and the Pacific, hearing on Southeast Asia after 9/11: Regional Trends and U.S. Interests, 10 a.m., 2200 Rayburn.

Committee on Resources, December 13, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2748, National War Permanent Tribute Historical Database Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; and H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the “Golden Chain Highway”, as a National Heritage Corridor, 10 a.m., 1334 Longworth.

Committee on Rules, December 11, to consider the following: H.R. 3129, Customs Border Security Act of 2001; and H.R. 3295, Help America Vote Act of 2001, 5 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, December 12, Subcommittee on Water Resources and Environment, hearing on Addressing Sewage Treatment in the San Diego-Tijuana Border Region: Implementation or Title VIII of Public Law 106–457, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, December 12, Subcommittee on Terrorism and Homeland Security, executive, hearing on CIA counterterrorism needs and gaps, 2 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Co-operation in Europe: December 12, to hold hearings to examine the state of human rights, democracy and security concerns in Kyrgyzstan, focusing on human rights and democracy in the Central Asian region, 2 p.m., 534 Cannon Building.
Next Meeting of the SENATE
3 p.m., Monday, December 10

Senate Chamber

Program for Monday: Senate will consider S. 1731, Federal Farm Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, December 10

House Chamber

Program for Monday: Pro forma session.

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